THE PROBLEM OF THE COMMONWEALTH



MACMILLAN AND CO., LIMITED
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TORONTO

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PREFACE

In 1910 groups of men belonging to all political parties were formed in various centres in Canada, Australia, New Zealand and South Africa for studying the Imperial problem. Other groups were subsequently brought into existence in the United Kingdom, India and Newfoundland, and they all came to be known informally as 'Round Table groups,' from the name of the Quarterly Magazine instituted by their members as a medium of mutual information on Imperial affairs.

The task of preparing or editing a comprehensive report on the problem was undertaken by the present writer. Preliminary studies were distributed to the groups for criticism, and their criticisms, when collected, were printed and circulated for their mutual information. In the light of these criticisms instalments of the report were prepared and printed for private circulation as each was finished. It presently appeared that any attempt to treat the subject in all its essential aspects would fill several volumes. Shortly before the war, therefore, it was decided to prepare a brief separate report on one single aspect of the Imperial problem, that raised by the question *how a British citizen in the Dominions can acquire the same control of foreign policy as one domiciled in the British Isles.* A draft was prepared and widely circulated for criticism in the autumn of 1915, and in view of this criticism the text has now been substantially revised.

The result is the present volume,[1] which aims merely at showing what in the nature of things are the changes *which must be made* before a British subject in the Dominions can acquire self-government in the same degree as one domiciled in the British Isles. No attempt could be made within the compass of this short report to discuss in detail the position of India and the great Dependencies of the Commonwealth. An adequate treatment of this important subject must be left to the main report which is still in progress. The first volume of this larger report will very shortly be published under the title of *The Commonwealth of Nations.*

The shorter report is now given to the public on the sole responsibility of the writer himself, because no other way was apparent in which it could be submitted to their judgment. Throughout he has worked in the light cast by the many-sided criticisms of the Round Table groups whose numerous members reflect every shade of opinion. Without these materials the report could never have been written in its present form; but the writer himself has, of necessity, had to decide what to reject and what to accept. He has no authority for stating, therefore, that the report represents any opinion but his own. The best materials, indeed, have often been furnished by colleagues who would hesitate to accept his conclusions as a whole or even in part. It is for that reason that he alone can make himself responsible for its issue to the public, who are invited to judge its conclusions purely in the light of the facts and reasons upon which they are based.

It is safe to say that the views here advanced, though containing little that is novel, have never been adopted as their creed by any recognized party, either in the Dominions

[1] The cover is designed by a member of one of the groups. As the preliminary draft was privately circulated in the same cover, readers into whose hands copies may have come are warned not to mistake it for the published issue, which is easily recognized by the fact that it contains this signed preface. This, of course, did not appear in the draft, which is labelled on the first title-page 'Printed for private circulation only.'

or in the British Isles. In all these countries and in all these parties are friends known to the writer who reject, or others who accept, some or all of them. The main contention is this, that Dominion electorates must, in the not distant future, assume control of foreign affairs, yet cannot do so without deciding irrevocably whether they are to keep or to renounce their status as citizens of the British Commonwealth. In plain words, the issue, as seen by the writer, is whether the Dominions are to become independent republics, or whether this world-wide Commonwealth is destined to stand more closely united as the noblest of all political achievements. If in truth these are the issues, no greater have ever been raised by events for conscious decision. They are such as transcend parties and party creeds, as much as the immediate issues of the present war, or, indeed, more so. It is not unreasonable, therefore, to plead that political leaders should abstain, at least for so long as the war is in progress, from committing their followers either to or against the conclusions of this inquiry. And the same plea may be made to their organs in the press, that these crucial issues may be discussed freely and fully in their columns, but without throwing them into the ruts of party dispute. The rank and file, it is urged, may be left, for the present, uncommitted by those from whom they are used to take their direction to make their own criticisms, to think their own thoughts, to speak their own minds, until the time comes, as it must, when recognized leaders must lead. It may then happen that statesmen and journalists will find that here is a question which has nothing to do with existing party divisions. It is mainly for that reason that a writer connected with no political faction takes the responsibility of submitting his conclusions to the public in the present crisis, when party controversies are, or ought to be, held in suspense.

L. Curtis.

March 1916.

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THE PROBLEM OF THE COMMONWEALTH

PART I

WHAT THE PROBLEM IS

INTRODUCTION

Attitude of the Dominions at the outbreak of war.

UNTIL August 1914 the question was often debated whether, if England were involved in some struggle between the militarist Powers of Europe, communities so remote and so pacific as the self-governing Dominions would take any active part in the struggle. That controversy has now been settled once for all. The Dominions were at least as remote from the storm-centre as the United States, and by declaring their neutrality, a declaration which the enemy would most gladly have recognized, might have placed themselves in the same position. A still easier course would have been to have confined themselves to the defence of their own territories against any attempt of the enemy to violate them. But the moment war was in sight such ideas were absolutely forgotten, except by a certain section in South Africa, whose attitude was promptly denounced by responsible ministers. The same men, who scarcely a dozen years before had been struggling manfully to detach South Africa from the British Commonwealth, now prepared to frustrate German plans for accomplishing that object. And no sooner was that end attained than South

INTROD. Africans turned to take up the quarrel in Europe itself. Canada, Newfoundland, Australia and New Zealand placed all their existing forces at the disposal of the Imperial Government, and hastened to send their armies to win imperishable glory on the oldest and most famous battlefields of the world. In a few months the youngest democracies of this Commonwealth were disputing the plains where Caesar vanquished the Nervii, and knocking at those gates of Europe and Asia for which Trojans strove with Greeks in the earliest twilight of civilization.

Their devotion to the British Commonwealth based on the belief that it stands for self-government.

The devotion which these younger peoples have shown to the world-wide Commonwealth of which they are a part is not sufficiently explained by such phrases as 'their love for the Homeland' or 'the call of the blood.' Britain is not the Commonwealth, but merely a part of it, and most of them were not born there and have never visited its shores. The blood which runs in the veins of many of them is not in fact British at all. Those, moreover, who are most British in their blood and traditions, would renounce the Commonwealth sooner than their rights of self-government if ever they were forced to choose between them. Their devotion to it, however consecrated by a sense of kinship, is finally rooted in the belief that this Commonwealth is the greatest institution in the world for enabling men to realize the duty of governing themselves. It is mainly because they know that it stands for the cause of self-government, and that with its destruction that cause

would languish, that they find themselves ready to devote their lives and their wealth to keep it inviolate. INTROD.

This is not the first occasion upon which the older and younger communities of the Commonwealth have combined to resist an autocracy which threatened its existence. The Seven Years' War, no less than this, was one in which England and her colonies were together opposed to a powerful despotism. Had France instead of England prevailed in the struggle which raged from 1756 to 1763, the principle of self-government would have perished, not merely in America, but also in the British Isles. Permanently rooted in the soil of the New World and nourished by its immeasurable resources, autocracy might have spread until it had overshadowed and choked the growth of liberty in Europe itself. A calamity so fatal to human progress was averted by the valour of the British and American peoples. Yet scarcely was that primary issue between freedom and despotism settled, than these peoples were divided against themselves. Within twelve years the Commonwealth was rent by an incurable schism, and brought to the brink of ruin by the unnatural alliance of the colonies with France, whose government was still inspired by principles directly opposite to their own. A former struggle for liberty and its disastrous sequel.

Never was an enterprise of greater moment to mankind than the struggle which culminated in the Seven Years' War. Yet no sooner were the forces of despotism overcome, than the native current of

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Failure to grasp the meaning of self-government the cause of this catastrophe.

freedom turned awry and lost the name of reason. In fighting side by side for the principle of self-government, the English and American peoples had radically changed their relations to each other. At the close of the war they were forced to consider how they were to maintain what they had won, and especially how the financial burden of maintaining it was to be borne. They were confronted with a practical problem which they could not evade. On both sides solutions were proposed; but none of them accorded with the principle of self-government. Put to the test, Americans and Englishmen alike showed how imperfectly they had grasped the system for which they had both been fighting the French autocracy. Not clearly discerning the nature of liberty, they were unable to see how they could revise the framework of their society in accordance therewith. They failed to perceive that some piece of organic construction was necessary, if the growing energies of its peoples were to be applied to driving the wheels of the Commonwealth. Unharnessed and unused, those spiritual forces gathered to the point of explosion, till suddenly the Commonwealth was burst in twain. The greatest project of freedom, which the world had then seen or will yet see for many a century, was undone, because those in whose hands it lay knew not the day of their visitation.

Once more the older and younger communities of the Commonwealth are engaged in a mortal combat with despotism, to vindicate the principle

Similar situation which must recur at the close of the present war.

of self-government not merely for themselves but also for mankind. And once more in doing so those communities are radically changing their relations to each other. Before the outbreak of this war the common defence had nowhere been recognized as a first charge on the public resources, except in the British Isles. And this fact is inseparably connected with another. Responsibility for the issues of peace and war has nowhere been assumed, except by the people of the United Kingdom. Whenever peace returns, the first of these conditions can scarcely be revived, and cannot in any case be maintained. It will then be plain that the liberties which have been saved cannot be secured for the future, unless the burden involved is recognized as a first charge on the revenues, not of one, but of all the free communities of the Commonwealth, *in peace as well as in war*. The moment this struggle is closed and we ask ourselves how we are to keep what we have saved, we, like our fathers in the eighteenth century, will find ourselves confronted by a problem we cannot evade. Imperial ministers will be forced to confess that they cannot in future preserve the Commonwealth inviolate, unless the cost is distributed on some principle of equality through all the communities whose freedom is involved. The financial relations which previously existed between these countries in the peace which preceded this war, will be out of the question if the peace which follows it is to last. Facts will have made them impossible; but

INTROD. the moment this comes to be recognized it will be seen that the financial relations of the older and younger communities cannot be revised without also revising their political relations.

Warnings of Sir Robert Borden, Sir Clifford Sifton, and of Mr. Andrew Fisher.

That this change was already in process of taking place was perceived before this war was in sight; and so were the consequences which the change involved.

'When Great Britain no longer assumes sole responsibility for defence upon the high seas, she can no longer undertake to assume sole responsibility for, and sole control of, foreign policy, which is closely, vitally and constantly associated with that defence in which the Dominions participate. It has been declared in the past, and even during recent years, that responsibility for foreign policy would not be shared by Great Britain with the Dominions. In my humble opinion adherence to such a position would have but one and that a most disastrous result.'[1]

Such were the words of the Canadian Prime Minister at a time when the magnitude of the forces gathering to destroy the Commonwealth and the implacable purpose of its enemies were but faintly recognized. More recently the same warning has made itself heard from a different quarter. Speaking some six months after the outbreak of war to the Canadian Club at Montreal, Sir Clifford Sifton opened his address with the following words:

[1] Sir Robert Borden, Canadian Hansard, Dec. 15, 1912.

'Bound by no constitution, bound by no rule or law, equity or obligation, Canada has decided as a nation to make war. We have levied an army; we have sent the greatest army to England that has ever crossed the Atlantic, to take part in the battles of England. We have placed ourselves in opposition to great world powers. We are now training and equipping an army greater than the combined forces of Wellington and Napoleon at the battle of Waterloo, and so I say to you that Canada must stand now as a nation. It will no longer do for Canada to play the part of a minor. It will no longer do for Canadians to say that they are not fully and absolutely able to transact their own business. We shall not be allowed to do this any longer by the nations of the world. We shall not be allowed to put ourselves in the position of a minor. The nations will say, if you can levy armies to make war you can attend to your own business, and we will not be referred to the head of the Empire, we want you to answer our questions directly. INTROD.

'There are many questions which we shall have to settle after this war is over, and that is one of them.'[1]

Blunter still were the words uttered by Mr. Andrew Fisher on his first arrival in London as High Commissioner of the Australian Commonwealth: 'If I had stayed in Scotland, I should

[1] Sir Clifford Sifton's address to the Canadian Club at Montreal, Jan. 25, 1915.

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'have been able to heckle my member on ques-
'tions of Imperial policy, and to vote for or
'against him on that ground. I went to Australia.
'I have been Prime Minister. But all the time
'I have had no say whatever about Imperial
'policy—no say whatever. Now that can't go on.
'There must be some change.'[1]

Danger of ignoring such warnings.

At any time but the present, warnings from men like these would have made themselves heard in every part of the Commonwealth. As it is, they have scarcely reached the ears of the people to whom they were addressed. In this reaping of Death there is danger lest men, appalled by the sweeps of the sickle, forget to bind the sheaves, for want of which their children's bread and the seed of kindlier harvests may perish.

The Napoleonic war and the present war both due to the schism of the British Commonwealth.

In truth it was not till this cataclysm had burst upon us that the magnitude of the failure that led to the revolution which followed the Seven Years' War could be rightly gauged. Had the Commonwealth continued to include the people of North America, no despotism would ever again have been strong enough to menace the cause of freedom throughout the world. Its security would have been so clearly beyond question, that in actual fact it would have remained unquestioned. As it was, in 1783, the forces of freedom were divided. At the close of the struggle with Napoleon's military despotism they were actually pitted against each other. In that conflict, which

[1] *The Times*, January 31, 1916.

SIYAH SIAH

lasted for upwards of twenty years, the Commonwealth at length prevailed. Napoleon's autocracy, which achieved the dominion of Europe, and aspired to that of the world, was indeed destroyed. The principle for which he stood was scotched. But it was not killed, and it survived in his example, to inspire, a century later, the military despotism of the German Empire. To-day the failure of our fathers to know the things which belong to our peace is yielding its fruit in fields of havoc the like of which have never been seen since the making of man.

The Commonwealth must be revised after this war, and revised in accordance with the principles for which it stands.

What has been has been, and God Himself cannot change the past. But the future is all in human hands to make or to mar, so far as with mortal eyes we are able to discern what time will bring forth. From behind us the past shines with an ever-increasing light upon things which are yet to be. It is not for us to blame our fathers if they failed to comprehend the principles for which they stood and for which alone we ourselves can stand. But it is for us to see that they failed, and wherein their failure lay; and to trace to that failure the bitter fruits which men are gathering now. We have their example before our eyes, and the warning which it gives in the light of our own calamities to-day. Like them we are leagued, the younger communities with the old, in defence of our freedom; and like them when peace is restored, we shall be in danger of thinking that our task is finished. Like them we may fall into the error of dreaming that what we have done and what we have been,

INTROD. that we can continue to do and to be. And like them when freedom is saved we may fail to see that the world has been changed in the process, and that the Commonwealth, with which the cause of liberty is inseparably linked, cannot continue to be as it was. Changed it must be, and woe betide us if those changes are not conceived in accordance with the principle for which the Commonwealth stands. For those who survive this conflict and must face the problems which it brings to a head, no time is too early to ask themselves what self-government means. Not otherwise can those problems find their solution. Nor otherwise can a fabric be raised worthy of foundations laid in so many graves.

CHAPTER I

ORIGIN AND GROWTH OF SELF-GOVERNMENT IN ENGLAND

How in England the power of making laws passed from king to people.

SELF-GOVERNMENT as it now exists in the British Commonwealth has its roots in the customs planted by Teutonic tribes who conquered and colonized Britain after its abandonment by the Roman Empire. Some progress in liberty was made by the Anglo-Saxons, but, after the Norman Conquest, England was ruled by monarchs whose powers were more despotic than are those of the German, Austrian, or Russian emperors of to-day. In the time of William I. and of his immediate successors it was the king who made the laws, who decided how they were to be enforced, and who saw to their enforcement. Above all, it was the king who decided what taxes the people were to pay.

But William's Plantagenet successors found such difficulty in collecting the taxes that they began to bargain with the people and to offer that if certain taxes were paid the law should be made and enforced in a certain way. In so large a country, however, the people were too many and too widely scattered for the king to meet them all. A solution of the difficulty was found when Edward I. ordered his people to elect representa-

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tives few enough to meet him in one place and discuss these matters with him. But that was not all. Such a meeting of representatives would, as Edward I. foresaw, lead to nothing but misunderstandings unless it could decide questions as well as discuss them. It must be treated as finally vested with all the powers which the nation itself could have exercised, had it been physically possible for them all to assemble in one place to discuss their common affairs and to arrive at decisions with regard to them. Their representatives, said Edward I., 'are to have full and sufficient power for 'themselves and for the community . . . there and 'then, for doing what shall then be ordained . . . so 'that the (public) business shall not remain un-'finished in any way for defect of this power.'[1] In plain words, the taxes voted by this Parliament were to be legally binding on the people who elected it.

This expedient worked so well that in course of time *all* the taxes were collected by the king from the individual taxpayers, not on his own authority, but on that of the nation as expressed through Parliament. This assembly did in fact provide the king with the revenues he required; and the king, therefore, was obliged to listen to its views, not merely on taxation, but on all matters of public interest. So Parliament adopted the practice of submitting in writing new laws which it wished to have passed by the king. Presently the practice grew up that no laws should be ordained by the king but those which Parliament had submitted in

[1] The words in inverted commas are those of the writ in which Edward I. convened the model Parliament. See *The Commonwealth of Nations*, p. 100.

writing, and finally, that the king must promulgate as laws any bills which were so presented by Lords and Commons. Parliament, or rather the people who chose its members, thus became the sole authority by which the law could be changed.

Why representative government made for freedom.

The principle that all the people must hold themselves bound by laws approved by the majority of their own representatives was the necessary basis of popular government. No Act of Parliament could have ever come into force if it were not to be binding until it had been accepted by each and all of the constituencies. Government, on that condition, would have come to a standstill, and from anarchy England would have been driven to take refuge once more in despotism. For anarchy, which means the power of the strong to do as they will with the weak, is the final negation of freedom and further removed from it than is despotism itself. However, the principle embodied in the writ of Edward I. was accepted and embodied in the customs of the people, and a way was discovered of founding government on the will of the governed, without destroying its efficacy. On the contrary, the people were readier to obey laws framed by legislators of their own choosing than those which had rested on the sole authority of the king. Such laws, moreover, were shaped by the experience of those who were called upon to obey them. If the people, through their own representatives, made bad laws or failed to vote taxes enough, the consequences were felt by those in whose hands the remedy lay. Responsibility for their own government meant that the governed themselves were brought into touch with the facts, and were

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made responsible for understanding them, and, so far as lay within the power of man, for controlling them. That, in truth, is the essence of freedom, and the reason why self-government is a necessary condition of its realization.

How responsible government was developed.

Experience, however, eventually proved that the progress of freedom involves something more than the power of the people to control changes in the law and to determine the amount of taxes to be paid. However carefully a law is framed a wide discretion must in practice be left to the men who administer it, and for centuries Parliament found itself unable to control the king in the use of this discretion. Gradually this defect was remedied by exercise of the power which Parliament had of withholding a supply of money until its wishes had been met by the king. The king was thus constrained to abandon the right to administer the law as he chose. Parliament, on the other hand, adopted the principle that the king was never to be blamed for anything. All the blame was to be laid on the ministers, provided that ministers were members of Parliament and subject to removal from office whenever Parliament declined to approve their acts. Just as centuries before the king ceased to be responsible for making the law, the king now ceased to be responsible for the policy adopted in giving effect to the law. He ceased, in fact, to be the government of the country. The faculty of government was transferred to a minister who, with his colleagues, was responsible not to the king but to Parliament, and could be dismissed and replaced by Parliament at will. It naturally followed that at general elections

the votes of the electorate were thenceforward mainly determined by a desire to see this or that minister in office, and the Government thus became answerable to the people themselves. Mistakes of government could no longer be imputed to the king, but only to men whom the people themselves had chosen. In the last analysis the people had only themselves to blame for their choice. The people themselves were thus rendered responsible not merely for the making of the law, but also for the manner in which effect was given to it. By controlling government in all its aspects they were to become responsible for all its results. They were to suffer for their own past mistakes, so that they might be guided by them in registering their future decisions at elections.

The path to freedom (*a*) in the Dominions.

The extent to which responsible government is realized in practice, depends upon how far the whole field of public affairs is answerable to the control of ministers who hold office at the will of the citizens. An electorate may control some departments of government but not others, and in that case they can only achieve responsible government by insisting that all their public affairs shall be regulated by ministers dependent on their votes. The people of a Dominion are a case in point. They elect the Parliament which regulates their domestic affairs but not the Parliament which regulates their foreign affairs. In order to achieve responsible government they must either elect members to both Parliaments or entrust the conduct of their foreign affairs to the Parliament they already elect.

(*b*) In the Dependencies.

On the other hand responsible government can only be realized for any body of citizens in so far

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as they are fit for the exercise of political power. In the Dependencies a great majority of the citizens are not as yet capable of governing themselves, and for them the path to freedom is primarily a problem of education. Even in their own local affairs they can only be made responsible in so far as they are fit for the charge. It is the duty of those who govern them to do everything possible to fit them for it. But no power on earth can give self-government to whole communities which are not as yet equal to the task.

The limits of freedom.

In effect freedom is achieved in so far as rulers are answerable for all their duties to the largest number of citizens who are in fact fit to assume that responsibility. But, even in communities fit to govern themselves, universal suffrage never is and never can be realized. In New Zealand, the most democratic country in the world, nearly half the population are excluded from the exercise of political power. It can never be assumed by all the people, for the reason that all of them are not fit to exercise it. Criminals are usually disfranchised, and always should be, for the reason that they are persons who have proved themselves unable to treat the interests of the community as paramount to their own—that they have not, in plain words, a sufficient sense of duty to their fellow-men. For the state can only exist at all so far as its citizens are ready to sacrifice their own interests, their lives, if necessary, for the sake of the community. In all electoral systems minors are excluded, because there is a time in the growth of each individual when he has not as yet developed a sense of responsibility and a degree of

knowledge which are sufficient to qualify him for the exercise of political judgment. The exercise of political power by a citizen must obviously depend on his fitness to exercise it. The degree of fitness differs in individuals; but in practice there must be some rough-and-ready tests, such as that of domicile, age, property or education, by which it is determined.

How citizens are rendered capable of responsible government.

In applying such tests, however, two obvious principles must always be kept in sight. In the first place, the exercise of responsibility tends to increase fitness for exercising it. As every one finds in his own experience, it is in having to do things that a man learns how to do them and develops a sense of duty with regard to them. And that is why political power is and ought to be extended to whole classes of citizens, even when their knowledge and sense of responsibility is still imperfectly developed. The principle is that of harnessing colts when still half broken with others who are fully trained. The extent to which this educative process can be used with safety depends upon the number and steadiness of the older horses. And so with the members of a commonwealth. The larger the number of voters who can be trusted to consider the public interest before their own, the more freely can political power be extended to citizens whose patriotism is still short of that point and needs to be developed by exercise. Hence it is easier and safer to exercise a backward race in the practice of self-government in a country like New Zealand than in one like South Africa. And so it follows that in the great Dependencies more rapid progress towards liberal institutions could be

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made, if the people of the Dominions as well as those of the British Isles were jointly responsible for their government.

How citizens fit for responsible government may be rendered unfit.

The converse principle, however, is no less important. Citizens who have actually developed the capacity for government will tend to lose it unless it is used to the full. Their knowledge and sense of responsibility will not only be wasted, but will languish for want of exercise. They will not be brought into touch with the ultimate facts of political life, nor made to feel that they suffer for political decisions in which they themselves have shared. They will become a weakness instead of a strength to the commonwealth. The state positively suffers by excluding from political responsibility any class of citizens who have clearly developed a knowledge and sense of duty sufficient for the task.

The way of freedom.

There is always room, therefore, for the further extension of responsible government, and there is always the necessity for it. More men can be made more free by being made more responsible for the conduct of public affairs, and by being put in a position in which, while they suffer for mistakes, they share in the power of correcting them.

CHAPTER II

INSTITUTION OF SELF-GOVERNMENT IN AMERICA

The extension of representative government from England to the colonies.

SUCH are the principles underlying the growth of responsible government which has taken place from the time of William the Conqueror to the present day. In the seventeenth century this growth was still at the stage when the people, through Parliament, controlled the making of the laws, including those which governed the payment of taxes, but could not as yet control their administration. So firmly established in the traditions of English society was representative government that Englishmen carried it with them to distant parts of the world, and expected the king to recognize it when they settled there. It was established as a matter of course in America when Englishmen settled there in the time of James I. Each little colony was empowered to elect an assembly to discuss with the governor any laws which he might desire to promulgate, and especially those under which taxes were to be raised. The governor could enact nothing without the assembly's approval, and the Americans became more jealous than Englishmen of their right to make the laws for themselves. But just as the administration of the laws in England was still in

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hands of the king, so in the American colonies administration of the laws was still in the hands of governors appointed by the king, advised by the officers who formed his executive council.

Representative but not responsible government achieved by the American colonies

This, substantially, was the position of affairs which existed in most of the American colonies in the middle of the eighteenth century. In Great Britain the control of ministers had been passing from the king to Parliament and people by a series of gradual changes; but as often happens with such gradual changes, their importance and meaning was little understood at the time. When he came to the throne in 1760, George III. made a deliberate attempt to ignore these changes, and to recover the control of government. His attempt was one of the factors which led to the loss of the American colonies. It also led to the final and conscious establishment of the principle that ministers were in future responsible to Parliament, not to the king, and held office not at the king's pleasure, but only so long as they could find a majority in Parliament to support them. Thus when the quarrel with the American colonies came to a head, their executives were not responsible to the legislatures and the people, while in England the king had not yet accepted the principle that his ministers were answerable to Parliament, not to himself. Throughout the Commonwealth the people at large still believed that the conduct of government, apart from the making of laws, lay, as in Germany to-day, in the hands of ministers responsible to the king or in those of a governor who represented the king. The American colonists had, in fact, acquired a negative control over their

own local affairs. They could interfere with the conduct of government and could bring it to a standstill by refusing supply; but they could not appoint their own agents to conduct government in accordance with their views. Their readiness to obey the law was certainly increased by the fact that they controlled its making. But because they were not responsible for all the things which government had to do, their sense of responsibility for getting them done went undeveloped.

Growth of American interests too wide for the colonial governments to handle.

The colonists, however, had interests which they could not have controlled, even if their numerous assemblies had secured control of their several executives. The trade relations of the colonies to each other, to Great Britain, to the Dependencies and to Foreign Powers had always been regulated by Acts of the British Parliament and were subject to the control of the British Government. The colonial assemblies, indeed, never claimed to control these relations until the last stages of the struggle which led to their secession had been reached. In return for this right to control their trade the British Government undertook to protect the coasts and the ships of America at the cost of the British taxpayer. This protection was, in fact, given, and the question of paying for it was never an element in the final quarrel. To the north and west the English colonies were surrounded by great territories administered by viceroys directly subject to the King of France. Their frontiers were constantly menaced, moreover, by hordes of savages, who, when provoked, did not confine their vengeance to the particular colony which had injured them. The safety of all the colonies was thus jeopardized

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by the failure, in justice or in wisdom, of any one of them in handling the natives. These two primary interests, trade and the defence of their own land frontiers, were only the first of a series of interests common to all the American colonies which could not be handled by a number of small governments. The future importance and variety of such interests will be understood, if we imagine what the state of affairs in America would be to-day if there were no government at Washington, and all American affairs had to be transacted by the governments of its forty-nine different *States*. Obviously such a system would mean chaos. In the absence of a central government at Washington the present area of the United States would be a scene of anarchy.

Responsibility for the local defence of America accepted by the British Government. The question of the cost.

Such were the conditions which were beginning to appear in the eighteenth century. According to the ideas of the time, however, the king and his ministers in England through their agents the governors, and also through the generals they sent to command the troops in America, were regarded as responsible for all these interests. The British Government accepted that responsibility. In the Seven Years' War they beat the French in America, aided by such contributions in men and money as the colonial assemblies severally chose to furnish. In the rebellion of Pontiac which followed it they ousted the Indians, but practically without the aid of colonial troops and funds. So inadequate were the aids furnished by the local assemblies that the greater part of the cost of the American campaigns had to be met by the British taxpayer. And after these wars it was necessary to maintain considerable forces in America to protect the

colonies against further attacks. But the system of maintaining them at the sole cost of the British taxpayers could obviously not be continued. Parliament and the British taxpayers were indeed refusing to defray the charge without some more regular contribution from the colonists themselves.

If faced by such a situation to-day, the Imperial Government could leave the colonists to solve the problem for themselves and accept the consequences if they failed to do so. In plain words, they could notify the colonial governments that British troops would be withdrawn from America after a certain date. Such a course would be possible, because the colonists are now responsible for their own domestic affairs; that is to say, their national executives as well as their legislatures are responsible to them and not to the king. To us who are used to that system it seems a simple and obvious one, but the fact must be kept in mind that in the eighteenth century it had only been partially introduced in Britain itself and was neither established nor understood. The belief that the administration of government was a matter for the king and his ministers was firmly fixed in the public mind, and, if the American colonies were ravaged by the Indians, the responsibility was recognized by all parties as resting on a government which had its mainspring in the British Isles. The assemblies and the colonists who elected them were not made to feel by the system that the responsibility rested on themselves. Had the assemblies been made to appoint and control their own executives, the final responsibility for dealing with these dangers would have been left to them.

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The thirteen colonies would then have discovered by experience that thirteen governments could not cope with the common task of defence and the common problem of managing their relations with savage tribes. The result would have been, as it has been in Canada, Australia, and South Africa, that these thirteen colonies would have been forced by facts to create one national government capable of handling their common affairs and competent therefore to raise by taxation the means of doing so.

Attempt to raise the necessary taxation from the colonists by Act of the British Parliament.

This alternative was excluded by the fact that the method of responsible government had not as yet been fully conceived. Accordingly the Imperial Government applied once more to the colonial assemblies for contributions to the cost of administering Indian affairs and defence. The assemblies failed to respond, and the British Government decided to raise the necessary contribution from the colonists by virtue of the Stamp Act and Tea duties enacted by the British Parliament.

Why this course would have been fatal to the development of responsible government.

In doing so, however, they embarked on a policy which, had it been confirmed, would have been fatal to the development of responsible government in America. As subsequent experience has shown, trade and local defence were only the first of a vast number of interests common to the American colonies as a whole, and too large and complicated for their numerous assemblies to handle. The attempt to impose this taxation by Act of a Parliament responsible only to the people of the British Isles inevitably suggested to the Americans that it was impossible for them to go on leaving the control of their commercial relations with the outer world to a legislature which was

not responsible to themselves. They began to refuse, therefore, to recognize the laws made in England by which their commerce was controlled. The principle was one they could not yield, and, had they done so, it must have been applied to all the other great national interests of America which have since been developed. The colonial governments would have failed to handle them, as they had failed to handle defence and Indian administration, and the supervision of those interests would have been assumed by the Imperial Government. The cost of administering them, following the precedent of the Stamp Act and Tea duties, would necessarily have been imposed on the American taxpayers by Acts of a Parliament responsible only to the people of the British Isles, and not to those of America. Had such a principle ever been practicable at all, the greater national interests of American life would have passed from the control of their representatives to that of the people of Great Britain. In the end, they would have controlled none of their affairs other than those which are to-day controlled by the provincial government of an American *State*. The British Government had embarked on the one course which was necessarily fatal, and the result was a revolution in which the Americans secured their independence and the British Commonwealth was torn asunder and brought to the verge of destruction.

Results of the schism (1) in establishing responsible government in Britain.

This catastrophe resulted, within a few years, in establishing responsible government as it now exists both in Great Britain and in the United States. Discredited by the utter failure of his policy, George III. was obliged to acquiesce in the

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choice of ministers acceptable to Parliament, and in practice subject to dismissal, not at his own pleasure, but at that of public opinion. Before the end of his reign the principle was finally established that those who administer the laws as well as those who make them are directly responsible to the electorate.

(2) In forcing the American colonists to create one national government for themselves.

In principle a similar change was effected in America by the Declaration of Independence and the expulsion of the governors who represented the king's authority. After their formal secession the various states had necessarily to fall back on the expedient of electing their governors, who thus became responsible to the people themselves. Events were quickly to prove, however, that in obtaining control of their executives as well as of their legislatures, the Americans had secured control only of the minor interests that affected them. As explained in the previous pages, thirteen provincial governments were incapable of handling defence, trade, and Indian affairs. Before the war, these matters had been left to the Imperial Government. In renouncing its authority, therefore, the thirteen American governments were brought face to face with these and other responsibilities of a like nature, which were common to Americans, and too wide for provincial governments to handle. For the colonies were merely provinces in fact, and did not cease to be such by claiming the more dignified title of states. It was one war that they had to wage and, when it was over, it was one peace that had to be made. Effect had then to be given to the terms of peace. The war debt had to be paid, and the vacant territories west of

the thirteen states had to be controlled. For the handling of such matters the thirteen states sent delegates to a Congress upon which was imposed the duty of doing for the colonies all the things which had previously been done for them by the British Government. Congress, standing in the shoes of that government, found itself faced by exactly the same difficulties. Like its predecessor, it found that it could not discharge the functions imposed on it without changing the existing law, and above all without revenues adequate to meet its expenses.

Dependence of Congress upon State assemblies and its consequent impotence.

In 1783 peace was made with Great Britain. The Americans were pledged by Congress to observe certain terms. Congress, however, had of itself no power to do the things necessary to redeem the pledges it had made. The necessary measures had to be taken by the governments of thirteen states, many of which ignored the applications of Congress and failed to do what was required. The war, moreover, had been financed by loans borrowed in Europe and America, for the interest upon which Congress was responsible. But the thirteen legislatures neglected to vote the revenues required by Congress to pay the bondholders. Congress could not levy taxation, nor sue the defaulting taxpayer in the courts. That was the prerogative of the state assemblies and the condition of the sovereignty they cherished. All that Congress could do was to apply to each state for its *pro rata* contribution to the fund necessary to meet the debt charges. But there was no court to which Congress could go when a state failed to pay the money, and, if there had been a court, Congress could only have enforced its judgment

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by calling upon the state governments which had paid to coerce the state governments which had failed to do so. But this execution would have been not a matter of police but of civil war. No such attempt being made to enforce its requisitions, Congress defaulted, and the worthless character of a government which depended for its revenues on a number of local legislatures was declared by its public bankruptcy.

Attempt to deal with the problem by degrees. Its failure.

The difficulty, it was thought, was one which could be overcome by degrees, and attempts were made to persuade the legislatures to surrender a certain proportion of the duties they imposed upon imports. The obstinate refusal of a single legislature, that of New York, to concede one inch of its existing powers effectively barred the policy of gradual reform, and within three years of the peace the whole conduct of American affairs had come to a standstill.

Policy of dealing with the problem outright. Its success.

Appalled by the threat of impending anarchy, most of the legislatures agreed to send delegates to discuss the situation at Philadelphia. In May 1787 their delegates met in convention and prepared for dealing with the problem outright. To begin with they scheduled the matters which, as experience had shown, were too large to be handled by the governments of thirteen communities, which called themselves states, but were in fact of the nature of provinces. To the matters placed in this schedule the Convention confined its attention, leaving all other matters to be discharged, as formerly, by the existing provincial legislatures. As a concession to prejudice, however, these provinces were still to be called *States*, a mischievous

abuse of terms adopted to sugar the fact that the American people could not be organized as one state, unless the thirteen groups into which they were divided were divested of statehood. This essential principle was obscured by a failure to describe provincial institutions by their true name, and eighty years later a million lives were sacrificed before the title of the so-called American *States* to real statehood could be finally quashed. The world has been readier to adopt the illusions of American history than to read its lessons, and in several constitutions the term 'state' has been used where it should have been studiously avoided. In this inquiry, therefore, wherever we are obliged by law, as in Australia, to speak of provinces or cantons as *States*, the word will be spelt with a capital and printed in italics.

A national government for national purposes.

Leaving to the *States* everything local, such as provincial governments could manage for themselves, the Convention turned its attention to those wider interests which, as experience had proved, were beyond their scope. For such interests they proposed the creation of a legislature and executive responsible to the people of America as a whole. This legislature was to be competent to pass the laws and raise the revenues necessary for these objects, and those laws and those revenues were to be enforceable against the individual citizen *without further ratification by the State legislatures.* Instead of a congress of delegates from the *State* legislatures, they created a genuine parliament directly responsible to the people themselves. But again, as a further concession to existing prejudice, they gave this parliament the title of Congress,

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which the national legislature of the United States still bears.

Finality of the scheme.

These changes were the least which would enable Americans to control American affairs. However drastic they had to be taken in one step. The scheme submitted to the people of America was necessarily one which had to be adopted as a whole. But that instrument was so framed that Americans might know that, having taken that positive step, they would not be entrapped into a number of others which they could not foresee. The powers to be transferred from the states to the national government were important, but just for that very reason some assurance was given that the powers still vested in the *States* were not to be filched from them inch by inch. Changes might have to be made in the light of future experience, but Congress was to have no power to make them. All future changes in the constitution were to be subject to a process so elaborate that they could only be consummated by the unhurried consent of a clear majority of the people themselves. Neither Congress, nor the *State* legislatures, but the people of America, whose decision was to be taken in terms of Article V. of the constitution, were to be recognized as the final authority in virtue of which a law might be made competent to bind every American. The Convention advised, moreover, that the original acceptance of the constitution should rest with the people and not with their legislatures. In this way the American constitution was adopted and came into force in 1788.

The final establishment of responsible government at the same time alike in Great Britain and

America was largely induced by the same cause. But the difference in method is sufficiently striking. In the British case it is impossible to point to any one year in the calendar from which it may be said that the institution of responsible government dates. In America it may be said without question that it dates from 1788. In either case the change was effected by public opinion. In America public opinion was consciously expressed and recorded in the votes cast by the people of each state in 1787. In Great Britain, however, no vote was ever taken on the establishment of responsible government, nor indeed had need to be taken. This difference was due to an essential difference in the nature of the two problems to be solved. Great Britain was a single state with a government capable of transacting public affairs. That government was the ministry, and, in order to establish responsible government, the king had merely to be made to accept the position that ministers were removable only at the pleasure of Parliament or of the people, not at his own pleasure. For this nothing but a change in custom was required.

British and American methods contrasted. (1) The British case.

In America, on the other hand, there were thirteen communities, each claiming to be sovereign states and in law admitted to be such. In effect that claim meant that each of the thirteen assemblies was the final authority to which the obedience of those inhabiting their several territories was due. Congress might command a Virginian to do this or that; but the command possessed no legal effect and was not enforceable in the courts until it had been ratified by the Virginian assembly;

(2) The American case.

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and so with all the other states. No act of Congress could become valid throughout the United States without the positive endorsement of thirteen legislatures which was seldom if ever obtained. And all this arose from the fact that when a Virginian ceased to be a British citizen he had become a citizen not of the United States but of Virginia. It was so with the inhabitants of all the colonies. So long as the government of a state could bind its inhabitants by law against every other authority, they were citizens of that state and of no other. And the people of each state were conscious of the fact. They were jealous of their citizenship and felt instinctively that no change could be so great or so important as one that altered it. But the moment a state legislature accepted the position that its citizens were to be amenable to an authority other than itself in the smallest matter or in the slightest degree, it surrendered its claim to sovereign powers and its exclusive right to their allegiance. A subject in the true sense of the word must be the subject of a sovereign state, and, if Virginia surrendered that quality, her people lost their status of Virginian subjects. But what else did they become? In what other state did they acquire citizenship, and to what other sovereign authority was their allegiance due? Virginia is taken as an example, but so it was with each and all of the thirteen states. The answer must be that the American Commonwealth is the state to which the American people have been subject since 1788. However slight the concession they were asked to make their instincts told them that it involved for each and every

American the most vital of all political issues. No change worth having could be made without confronting each individual with the question of what his own citizenship, and also that of his successors, was to be and to mean.

Impolicy of presenting a great change in the guise of a small one.

Their claim to legal omnipotence did not alter the fact that the state governments were incompetent, even before the constitution of 1788, to deal with interests too large for them. In practice Congress alone could transact American affairs, but in law the first American Congress was not competent to do so. A slight instalment of the necessary authority was worth little, unless it was to be followed by others. But that first instalment, however slight, really effected a radical change, and was nothing more or less than an attempt to persuade public opinion to swallow a great revolution in the guise of a slight reform. The whole conception of effecting by degrees such a change as was needed in American affairs involved the notion that people were to shut their eyes, to believe that the first pill offered them was a small one, and to swallow it as such. But the moment it touched their lips they perceived by instinct that the dose was a very large one, and not merely refused it but became suspicious of all attempts at further treatment.

Wisdom of presenting great questions for popular decision as what they are.

The alternative offered in the plan submitted by the Convention of Philadelphia was to recognize the gravity of the step which the people were called upon to make, and to show the full extent of the changes required in order to render it effective. Congress was to be given not some but all the powers which experience had already

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proved that it must exercise if the people of America were really to control their own affairs. The residuum of powers was to rest with the *States* and was not to be taken from them except by virtue of a decision deliberately taken with the sanction of the people at large in accordance with procedure defined in Article V. The sovereignty of the people of the United States was thus frankly recognized, and the several sovereignties of the thirteen states were to cease to exist. In accepting this constitution the people were asked to abandon their citizenship of their several states. But, in doing so, they were to assume the status of citizens in one great republic, the United States of America. The change, which Americans had refused to sanction when presented as a small one, they accepted when offered in its true proportions, as the greatest and gravest which any people can be called upon to make. There is in all history no more significant fact, nor any which better deserves the attention of statesmen in the British Commonwealth.

The convention a necessary condition of self-government under certain circumstances.

What Americans really decided when their present constitution was offered them for acceptance or rejection was the nature of the citizenship which they and those who came after them were to profess. That was the ultimate issue involved, and it could only be put to the people at large and rendered amenable to a conscious decision on their part when presented in the form of a constitution like that submitted to Americans in 1787. The people of two or more states cannot really face such an issue or decide it for themselves until they have before them the design of the new state of

which they are to become citizens in the form of its constitution to be ratified or rejected by them. Their union may be effected by force, or rendered impossible by events; but without such a constitution before them they cannot really decide for themselves whether to live together or apart. They cannot be rendered capable of such conscious decision, until a convention has met and placed before them a definite and detailed proposal to be taken or left. Wherever such questions arise between two or more states the meeting of a convention to frame a scheme is as necessary to the principle of self-government as are parliaments in normal times.

The British and American cases contrasted.

The essential difference between the British and American cases will now be apparent. In Great Britain the people of one state only were involved. Even if some legislative act had been needed to make ministers responsible to the Parliament and people instead of to the king, no change in the exclusive powers of taxation which Parliament possessed was required. The existing legislature was not called upon to surrender its sovereignty, and the people of Britain were not called upon to face any change in their status as citizens of the British Commonwealth. As a matter of fact no law was needed. A change in the custom which governed the conduct of the king was enough; and the king, yielding to the pressure of public opinion, acquiesced in the change and no popular vote nor Act of Parliament was needed to enforce it. In America not one but thirteen sovereign states were involved, and Americans could take no step towards converting

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Congress into a genuine government competent to discharge their general affairs, without changing the character of their citizenship and facing the whole question of what that citizenship was to be, not merely for themselves, but for all those who should come to inhabit their country in time to come.

Note.—*The data upon which the view taken in the foregoing chapter is based will be found in the* Commonwealth of Nations, *Chapters VI. and VIII., together with the Appendices thereto.*

CHAPTER III

DEVELOPMENT OF RESPONSIBLE GOVERNMENT IN THE BRITISH COLONIES

Institution of representative government in the Canadian provinces.

To grasp the development of responsible government by the British Dominions, the two different methods by which it was achieved in Great Britain and in the United States must always be kept in mind. The effect of the American secession on the attitude adopted by the British Government to its younger colonies was profound. That Englishmen carried with them to new countries their native rights of self-government had been recognized. The creation of elective assemblies in America from the outset is evidence of the fact. But the necessary results of that principle could only be learned in practice. Thirteen assemblies had proved themselves unequal to the needs of America. The British Government had been left to discharge the functions proper to a central American authority, and to meet the cost had attempted to tax the Americans. Taught by the catastrophe which followed, the British Government pledged itself never again to override the power of colonists to tax themselves. No similar attempt was made in the Canadian provinces. Except in the province of Quebec, which was mainly colonized from France,

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these territories were peopled by refugees from the revolted colonies who had preferred exile to the sacrifice of their status as citizens of the British Commonwealth. Some of them were settled in the territories of Upper Canada west of Quebec, others in Prince Edward Island and in Nova Scotia which thus gave birth to New Brunswick. In all these provinces the system which had previously existed to the south had been reproduced, though with restrictions, and by 1791 elective assemblies were established without the approval of which no law could be passed or tax imposed. But the administration of the laws remained with governors and executive councils appointed by and responsible to the Imperial Government and not to the provincial assemblies.

The establishment of responsible government in the British Isles enabled that system to be instituted in the Canadian provinces.

Problems akin to those which had led to the breakdown of this system in the old American colonies began to develop almost at once. There was constant friction between the Canadian assemblies and the governors and their executive councils. Meantime, however, responsible government had not only been established in the British Isles, but the principle which underlay it had been grasped. On the advice of Lord Durham this principle was applied in the Canadian provinces, and by the middle of the nineteenth century had been brought into effective operation. Like the American colonies these provinces had each of them elective legislatures of their own. But their executives were appointed by the British Government, and were not removable by the colonial legislatures. When Lord Durham's report was adopted, the governors were instructed to place the executive authority in the hands of

those leaders who could command a majority in their several legislatures. The executives, in a word, were to become responsible to the colonial legislatures and electorates instead of to the Imperial Government. Responsibility for solving Canadian problems was to rest with Canadians. The making of their bed was to be left to those who lay in it.

Special reasons for the union of Upper and Lower Canada.

Such was the essential principle underlying the changes in colonial policy instituted by Lord Durham. In one important respect, however, he advised a departure from it for reasons which, in part at any rate, were probably wise. In Quebec the administration had always been entrusted to officials exclusively drawn from the small minority of British settlers, and those officials were at daggers drawn with the legislature, which consisted mainly of French members, To have granted responsible government to Quebec as it stood would have meant placing the British minority under an executive which, like the majority in the assembly, was entirely French. In order to protect this minority Lord Durham advised that the two provinces of Upper and Lower Canada should be merged into one. Other and weightier reasons pointed to the same course. Lord Durham had grasped the truth that the mere institution of responsible government in the several provinces of Canada would not in fact avail to enable Canadians to manage Canadian affairs. The problems which most needed solution were, as formerly in the case of the thirteen American colonies, not those between one class and another in each province, but those between two or more provinces. Popular control of government in each province would not of itself

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enable the people of Canada to control the relations of those several provinces. The problems arising from the relations of Upper and Lower Canada were especially acute. Upper Canada with its enterprising population was dependent for its trade on the River St. Lawrence. The control of this estuary, however, was within the jurisdiction of Lower Canada, the French population of which was mainly agricultural and little interested in trade. It was in order to deal with problems of this kind that the two provinces were amalgamated, with one assembly common to both, before responsible government was instituted. After this had been done the governor was instructed to select as his ministers the leaders who commanded a majority in that assembly, and to act on their advice.

Extension of responsible government to other colonies.

The same principles were applied to the governments of Nova Scotia, New Brunswick, and Prince Edward Island, and presently to Newfoundland, New Zealand, to the six colonies of Australia, and also to the Cape Colony and Natal.

Negative character of this colonial policy.

It is usual to say that responsible government was 'instituted' in the Canadian provinces by Great Britain. This use of the word 'institute' is legitimate only so long as it is held in mind that the British Government was not called upon to do anything, but only to cease doing certain things which it had always done before. Previously it had chosen the colonial executives. Now it ceased to choose them, and surrendered the choice to each colonial legislature and electorate. What George III. had surrendered to the people of the British Isles, the British Government was now surrendering to the people of each colony. The two change:

were in principle exactly the same, and were such as from the nature of the case could be effected merely by a change of custom.

Durham's failure to see how far the principle would go.

The passive or negative posture to which the Imperial Government were committed by this change had consequences more far-reaching than Durham himself had realized. A philosopher may discern the ultimate destination to which a principle will lead the society which adopts it, but a practical statesman hardly ever; for the facts to which he has to apply the principle are so near to him that they limit the range of his vision. Durham saw the necessity of giving the colonists a control of their own domestic affairs which was 'final, un-'fettered, and complete.' But he failed to locate the line which divided their domestic affairs from those of the Commonwealth as a whole. 'Perfectly 'aware,' he wrote, 'of the value of our colonial 'possessions, and strongly impressed with the 'necessity of maintaining our connection with 'them, I know not in what respect it can be desir-'able that we should interfere with their internal 'legislation in matters which do not affect their 'relations with the mother country. The matters, 'which so concern us, are very few. The con-'stitution of the form of government,—the regula-'tion of foreign relations, and of trade with the 'mother country, the other British Colonies, and 'foreign nations,—and the disposal of the public 'lands, are the only points on which the mother 'country requires a control. This control is now 'sufficiently secured by the authority of the 'Imperial Legislature; by the protection which 'the Colony derives from us against foreign

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'enemies; by the beneficial terms which our laws 'secure to its trade; and by its share of the 'reciprocal benefits which would be conferred by 'a wise system of colonization. A perfect sub-'ordination, on the part of the Colony, on these 'points, is secured by the advantages which it finds 'in the continuance of its connection with the 'Empire. It certainly is not strengthened, but 'greatly weakened, by a vexatious interference on 'the part of the Home Government, with the 'enactment of laws for regulating the internal 'concerns of the Colony, or in the selection of 'the persons entrusted with their execution. The 'colonists may not always know what laws are best 'for them, or which of their countrymen are the 'fittest for conducting their affairs; but, at least, 'they have a greater interest in coming to a right 'judgment on these points, and will take greater 'pains to do so than those whose welfare is very 'remotely and slightly affected by the good or bad 'legislation of these portions of the Empire. If 'the colonists make bad laws, and select improper 'persons to conduct their affairs, they will generally 'be the only, always the greatest, sufferers; and, 'like the people of other countries, they must bear 'the ills which they bring on themselves, until 'they choose to apply the remedy.'[1]

The principle meant that colonists were to decide everything for themselves including their own status as citizens.

It would be difficult to state more aptly the argument in favour of opening to men the school of freedom, of subjecting them to the ultimate discipline of facts. And yet Durham supposed that colonists could always be relieved from the

[1] Lord Durham's *Report on the Affairs of British North America* edited by Sir Charles Lucas, K.C.B., K.C.M.G., vol. ii. p. 281.

duty of moulding their own constitutions, of regulating foreign affairs, of controlling external trade, and, strangest of all, of settling the vacant land included in their limits. In the light of after events any child can see what was hidden at the time from so wise a statesman as Durham. With one momentous exception, control of all these matters has since been assumed by Dominion governments; and will any one now dare to say that the people of the Dominions can long continue to leave the last and greatest of all public interests to be settled for them by a government responsible only to the people of the British Isles? Responsibility for the issues of peace and war they have left untouched, because they could not settle it without calling in question and deciding once for all their own status as citizens. We can see now, as Durham could not, that the principle he inaugurated meant that no permanent limits could be set to the duty placed on these younger communities of deciding their own future and fate for themselves. Henceforward the Imperial Government was simply to abstain from forcing decisions, and leave those decisions to be taken by colonial electorates. The principle was one which imposed on those electorates a responsibility in one respect heavier than the English themselves had assumed in acquiring a final control of their own affairs. An Englishman's citizenship was not in question, and never could be. There was no other citizenship but that of Great Britain for him to assume. But the future citizenship of the colonists was an open question. Turgot had compared colonies to fruit which, when they are ripe, must fall from the

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tree which had borne them. The saying was in every mouth, and the still recent example of America seemed to enforce it. In the colonies were many who assumed that they would sever the connection the moment they could stand alone, and in Great Britain the belief that they would wish to do so was frankly avowed by leaders in both political parties. Those were the forecasts; but prophecies of themselves are nothing, and what mattered was the principle which inspired Imperial policy, the principle that henceforward colonists were to be left not merely to manage their own colonial affairs, but to settle their own future and fate. British statesmen might believe that the colonies would certainly choose to abandon the Commonwealth. But that was a very different matter from saying that the British Commonwealth should take the decision out of their hands by abandoning them, and with the doubtful exception of the territories north of the Cape Colony, no such policy was ever attempted, nor, if it had been, would have been countenanced by public opinion in Britain. That *in the last analysis* the colonists were free to decide all things for themselves, even the nature of their citizenship, was accepted as *articulus stantis aut cadentis Imperii*, the cardinal principle of imperial policy.

CHAPTER IV

TARIFFS

Tariffs shown by Canadian experience to belong to the sphere of Dominion government and not to that of the Imperial Government.

No argument was needed to show that without the control of their vacant lands the colonists could exercise no real control of their own domestic affairs. The power was conceded forthwith to the new province formed in 1840 by the union of Upper and Lower Canada, and was presently extended to all the other self-governing colonies. Power to alter their own constitutions was claimed by colonial parliaments, and generally conceded by the *Colonial Laws Validity Act*, 1865. Control of over-sea commerce, however, was a far more delicate matter, for it trenched on a power which had been regarded as essential to the unity of the Commonwealth from the earliest history of colonization. In 1859 the Canadian legislature submitted to the Imperial Government a bill empowering the provincial government to tax imports from Great Britain with a view to protecting the industries of Canada. An immediate outcry was raised by British Chambers of Commerce. The Duke of Newcastle, while admitting his own hesitation to accede to their petition that the Canadian Law should be vetoed, endorsed their protest. Thereupon the Cartier-Macdonald

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administration seized the opportunity of defining their position in terms which have since been accepted as settling the question not merely for Canada but for all the self-governing Dominions of the Commonwealth.

'From expressions used by His Grace in reference to the sanction of the Provincial Customs Act, it would appear that he had even entertained the suggestion of its disallowance; and though happily Her Majesty has not been so advised, yet the question having been thus raised, and the consequences of such a step, if ever adopted, being of the most serious character, it becomes the duty of the Provincial Government distinctly to state what they consider to be the position and rights of the Canadian Legislature.

'Respect to the Imperial Government must always dictate the desire to satisfy them that the policy of this country is neither hastily nor unwisely formed; and that due regard is had to the interests of the Mother Country as well as of the Province. But the Government of Canada acting for its Legislature and people cannot, through those feelings of deference which they owe to the Imperial authorities, in any way waive or diminish the right of the people of Canada to decide for themselves both as to the mode and extent to which taxation shall be imposed. The Provincial Ministry are at all times ready to afford explanations in regard to the acts of the Legislature to which they are party; but subject to their duty and allegiance to Her Majesty, their responsibility in all general questions of policy must be to the Provincial Parliament, by whose confidence they

'administer the affairs of the country; and in the 'imposition of taxation, it is so plainly necessary 'that the Administration and the people should be 'in accord, that the former cannot admit responsi- 'bility or require approval beyond that of the local 'Legislature. Self-government would be utterly 'annihilated if the views of the Imperial Govern- 'ment were to be preferred to those of the people 'of Canada. It is therefore the duty of the 'present Government distinctly to affirm the right 'of the Canadian Legislature to adjust the taxa- 'tion of the people in the way they deem best, 'even if it should unfortunately happen to meet 'the disapproval of the Imperial Ministry. Her 'Majesty cannot be advised to disallow such Acts, 'unless her advisers are prepared to assume the 'administration of the affairs of the Colony irre- 'spective of the views of its inhabitants.'[1]

Control of commerce an inseparable condition of Dominion self-government.

This document proved unanswerably that no Canadian government could control the national affairs of Canada unless it controlled its commercial system from first to last, and convinced the Imperial Government that no ministry could command the support of a majority in the Canadian Parliament on any other footing. In plain terms, government in Canada would come to a deadlock which could not be released even by going back on the principle of responsible government. No ministry could live for a session unless the right of the Canadian Parliament to withhold supply were revoked as well. To deny the Canadian contention that commerce and industry must be treated as a Dominion

[1] Egerton and Grant, *Canadian Constitutional Development*, p. 350.

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and not as an Imperial interest, in fact meant denying the whole principle of self-government which had been recognized in some shape from the earliest days of American colonization.

Temperance of Imperial Government in not forcing Canadians to choose between foregoing national self-government and assuming their independence.

Here was an alternative which no British Government could contemplate for a moment. Yet another alternative was open. The Imperial Government might have said to Canada, 'You are 'claiming the right to protect your own industries 'against those of the United Kingdom, and, in 'matters of commerce, to treat the United King-'dom on the same footing as a foreign state. We 'concede that right, but in that case we must treat 'Canada, not merely in matters of commerce but 'in all others, as being on the same footing as 'foreign states. At present we maintain peace at 'the sole cost of the United Kingdom, not merely 'for that Kingdom, but for the British Common-'wealth as a whole; and Canada as a part of the 'Commonwealth enjoys the peace we maintain. 'As things are, no one can attack Canada who is 'not prepared to fight by land and sea the forces 'provided by the United Kingdom. If, however, 'you insist upon taxing the products of British 'industries in order to protect those of Canada, 'you must cease to enjoy the protection of British 'armaments. You must take upon your own 'shoulders the responsibility for peace and war. 'In these matters you must enter into direct 'relations with foreign powers, and in order that 'you may do so we must notify to those powers 'the fact that Canada has assumed the position 'of an international state. Your independence of 'the British Commonwealth must be declared, and

'the status of Canadians as British subjects must 'be renounced.'

This temperance due to public opinion in Great Britain and Canada.

Such an attitude on the part of the British Government would in those days have harmonized with the political theories of the time, in accordance with which independence was regarded as the necessary goal of colonial self-government. To the people of Britain, indeed, such a policy would have been distasteful; for, despite the theories of economists, they continued to cherish the idea of a Commonwealth large enough to include communities on opposite sides of the world in fellowship with themselves. By itself this sentiment in England would not have availed unless it had been reciprocated in Canada. The determining factor against such a policy was the value set by the majority of Canadians on their status as British citizens and their determination to preserve it. Canadian ministers had threatened, unless their demands were conceded, to throw back upon Britain the whole responsibility for Canadian government, and British ministers might have countered it by threatening to notify the world at large that the British Commonwealth renounced all future responsibility whatever for Canada. That no such suggestion was publicly made was due to the united force of an opinion upon both sides of the Atlantic which many politicians must have regarded as one based upon a popular sentiment destined in time to yield to the pressure of facts and political necessities.

Doubtless there were many who believed that the Imperial Government could not control the issues of peace and war for Dominions which

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The belief that control of commerce is essential to the supreme government of a state, supported by the experience of America, Switzerland, Germany, Canada, Australia, and South Africa.

insisted on controlling their own commercial relations. All previous experience could be adduced to prove that the control of tariffs is an attribute inseparable from the central government of a state. No one, indeed, would argue that the United States, Germany, or Switzerland could long sustain their character as international states if New York, Bavaria, or the Canton de Vaud enjoyed the same power of making tariffs for themselves as Canada, Australia, New Zealand, or South Africa. To concede to their own provinces the power of making separate tariffs would be fatal to the national unity of the Dominions themselves. The Unions of Canada and of Australia were consistent with leaving to Quebec and Victoria a complete control over their own systems of land tenure and education. Yet no one supposes that the Dominion of Canada or the Commonwealth of Australia could have been created, unless or until Quebec and Victoria were prepared to renounce the right severally to frame their own tariffs. The precarious union of Austria-Hungary is an exception which goes far towards proving the rule.

The verdict of experience.

In the teeth of political doctrines which were then current and, indeed, of all previous experience on the subject the Canadian contention, that tariffs were to be treated as a Dominion and not as an Imperial interest, was conceded. The matter was left to the test of future experience, which has proved that tariffs are best managed by each self-governing Dominion for itself. But that is not all. Experience has further shown that such local control is not merely consistent with the unity of the Commonwealth, but essential to it. Tariffs

must be controlled either by the Imperial Government responsible for foreign affairs, or by the Dominion or national government responsible for domestic, internal, and social affairs. *They cannot be controlled by both.* True it is that tariffs may affect foreign as well as domestic policy. So may education, as experience in California has shown the Americans. The practical question is, Which of the two do tariffs affect most nearly? That question has been put to the test of experience, and after fifty years of trial we are entitled to say that the foreign affairs of this vast Commonwealth can be conducted by a government which does not control tariffs. To begin with, the right of the Dominions to make what tariffs they pleased was affected by certain treaties between Great Britain and foreign states, but in course of time these treaties were cancelled by the British Government in order to free the hands of the Dominions. In future the commercial treaties negotiated by the Imperial Government were to affect only the United Kingdom and Dependencies in which self-government had not been established, unless the Dominions chose to come under them. A system was inaugurated under which the Dominion governments conducted tariff negotiations through agents of their own, with the knowledge and assistance (where desired) of the Imperial embassies. It has thus been found that in actual practice the Dominion governments can exercise final control of their own commercial relations without raising issues which affect the relations of the Commonwealth as a whole with foreign states. With equal certainty it may be said that no Dominion

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government could control the domestic affairs of the nation committed to its charge unless it could control the relations of its industry and commerce with the outer world.

The essential feature which distinguishes the British Commonwealth from other federal states.

But what then becomes of the experience of all other federal states? Such examples are of value, only in so far as they are viewed in the light of the principle which underlies them. Germany, Switzerland, the United States, Canada, Australia, and South Africa were all unions of adjacent communities which had found themselves unable to control their own social and domestic affairs so long as they remained apart. The states of America and Germany and the Swiss cantons were compelled to unite, in order to preserve their independence of foreign control. But those unions were also rendered necessary by reasons similar to those which drove Canada, Australia, and South Africa, which were scarcely threatened by conquest from without, to create national governments of their own. In each and all of these cases a genuine nationalism could never have been realized without nationalizing the control of commerce.

Concerning nationalism.

Nationalism implies community or potential community of race, and consanguinity is never impossible to peoples who live within one frontier. But if nationalism is to be realized it must also mean a steady progress towards a certain community in the things of everyday life. There must be such a measure of unity in their social system as cannot possibly be attained unless commercial relations are controlled by a government which is common and central. National

control of tariffs, moreover, is for adjacent provinces a necessary condition of freedom. The German and American *States* and the Swiss cantons would strangle each other if they were free to erect rows of custom-houses along their borders. Coastal and frontier *States* would be in a position to levy taxation and transit dues on those behind them. Lucerne would be at the mercy of the cantons which surround it. The American *States* which command the harbours of the Atlantic and Pacific would dominate those of the interior. Not only would the development of the country be checked, but the bitterness which would ensue would be fatal to the harmony of national life. A nation, to remain such, must not only live in contiguous territories, but must control through a central government the social and therefore the commercial system throughout those territories. Without it they cannot expect to realize and sustain a distinctive individuality of their own.

The British Commonwealth made up of widely separated nations not of adjacent provinces.

The British Commonwealth, however, is distinguished from all these cases by the fact that it is made up of territories which, instead of being contiguous, are as widely separated as so many territories on the face of this earth can well be. So far it has succeeded in combining them as parts of one international state, and has done so by consciously abandoning the idea of uniting them as parts of one nation. Its whole system is based upon the assumption that Canada, Australia, New Zealand, and South Africa are each free to develop a nationalism of their own as distinct from English nationalism, as English nationalism itself is distinct

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from that of the Americans. It is not, like the United States, Germany, or Switzerland, a national state, but one so comprehensive that there is room within it for many nations to develop, each in harmony with the utterly different climatic conditions under which they live. The term 'international state' is tainted by the fallacy that the words 'state' and 'nation' are coincident with each other. The British Commonwealth may be described as an international state in a different and truer meaning of the word. It combines not only provinces like Ontario or Quebec, the Cape Colony or the Transvaal, Tasmania or New South Wales, but national governments over and above these. It is at Ottawa, not London, that the domestic life and character of the Canadian people must be shaped; and so with Australia, New Zealand, and South Africa. Hence it is that they must each control their own commercial system as completely and as finally as the people of the British Isles control theirs. Otherwise they would be paralysed in their performance of the function for which their national governments exist.

The Dominions are nations not provinces, and their governments must therefore control their commercial relations.

No one indeed who has any acquaintance with these widely distributed countries would wish that an attempt had been made to control their social development from one centre. Any attempt to regulate the social conditions of Canada, Australia, New Zealand, South Africa, and the United Kingdom, as those of America are regulated from Washington, would mean infinite mischief to all these countries. They must each have governments of their own for that purpose, answerable to their several public opinions, in order that the social

policy of each may be moulded by the social experience of each, which is radically different from that of the others. But the moment this evident proposition is admitted it must be seen that those governments must also control their tariffs from first to last. They cannot divide that control with any Imperial Parliament, even if such a parliament represented the Dominions as well as the British Isles. Since 1859 no recognized political party in any of these countries has ever suggested such a thing. Proposals have been made that they should enter into agreements which would encourage them to trade more freely with each other than with foreign states; and in several directions such agreements have been made. Nor does any one propose to restrict the power of their respective governments to make such agreements. But the power of each national legislature to make what tariffs it pleases, and to negotiate its own commercial agreements with other governments is finally established, and no serious political thinker questions that it is established once for all. Had it ever been used in a manner calculated to involve the whole Commonwealth in war, the Imperial veto, to which all Dominion laws are and must always remain subject, would have been called into play.

This almost unfettered right of settling their own tariffs has not led to the independence of the Dominions, though all of them have exercised it freely. It is difficult therefore to argue that its continued exercise in years to come will lead to the disruption of the Commonwealth.

CHAPTER V

IMMIGRATION

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Division between Imperial and Dominion functions worked out by experience.

LORD DURHAM, as noted in a previous chapter, failed to discern the line which divides functions proper to the government of the nation or Dominion from those proper to the government of the Commonwealth as a whole. In truth it was a line which no one could have discerned in advance, but which had to be found by experiment and verified by trial. But the principles which have made this possible were thought out by Durham and his associates, Charles Buller and Gibbon Wakefield.

Claim to exclude non-European British subjects first advanced by colonies south of the equator.

In locating that part of the line which affects tariff relations the lead was taken by Canada. In another and no less important direction the line has been marked on the initiative of the colonies south of the equator. To national governments responsible for the social development of young communities, a power more vital than control of commerce itself is that of determining the future ingredients of their own population. No one who has studied racial conditions in the Southern or Western States of America or in South Africa can be blind to the gravity of the social problems raised when European, Asiatic, and African societies are incorporated in the same community side by side.

The British Empire 433,574,001

Isle of Man & Channel Is. 148,934

Ireland 4,381,951

Scotland 4,759,445

Wales 2,032,193

England 34,043,076

United Kingdom 45,365,599

White 420,831

White 583,277

Native 62,124

White 1,008,468

Terr. of Papua 292,222

Tasmania 189,958

W. Australia 322,438

Sth. Australia 422,458

Queensland 614,234

Victoria 1,315,551

New South Wales 1,652,735

Newfoundland 241,597

Pr. Edward I. 93,728

New Brunswick 351,889

Alberta 374,663

Brit. Columbia 392,480

Manitoba 455,614

Nova Scotia 492,338

Saskatchewan 492,432

Quebec 2,002,712

Ontario 2,523,274

Dominions 19,251,210

Australia 4,775,614

New Zealand 1,076,652

Union of South Africa 5,058,499

Canada 7,204,838

Mahomedan (less Europeans) 28,668,151

Religions other than Hindu & Mahomedan

Hindus 217,141,198

Europeans 199,776

Mahomedans 66,623,412

Egypt 11,287,359

Indian Empire 312,632,537

West Indies 1,679,388

Africa 31,306,881

Malay States (Federated) 1,094,471

Malay States (Non-federated) 939,609

Hindus 933,699

Ceylon 4,100,350

other Religions 2,899,072

Asia 8,218,160

America 388,768

Cyprus 276,548

Malta 218,492

Europe 887,810

Australasia 347,089

White populations are left unshaded.

Asiatic populations are shown by plain diagonal shadings.

Primitive populations are shown by cross-hatching.

Primitive populations that have adopted the Mohammedan religion are shown with a broad diagonal shading superimposed: where the number of Mohammedans is not accurately ascertained this shading is shown indefinitely in the middle of each rectangle.

Where the scale does not permit of the name and population being entered in the diagram, numbers are inserted as follows:—

CANADA:		
1. Yukon	8,512	
2 N.W. Territories	17,196	
AUSTRALIA:		
1. Northern Territory	28,310	
AMERICA:		
1 British Guiana	129,139	Asiatic
1a. British Guiana	166,902	other than Asiatic
2 British Honduras	40,458	
3 Bermuda	18,994	
4. Falkland Islands	3,275	
EUROPE:		
1. Gibraltar	24,460	
AUSTRALASIA:		
1. Fiji	139,541	
2 Tonga Islands	23,737	
3. Unattached Pacific Islands	183,811	
ASIA:		
1. Weihaiwei	147,177	
2. Bahrein Islands	90,000	
3. Hongkong and Territory	456,739	
AFRICA.		
1. Basutoland	405,601	
2. Bechuanaland	125,350	
3. Swaziland	99,959	
4. Somaliland	344,323	
5. Zanzibar.	197,199	
6. Gambia and Protectorate	138,400	
7. Mauritius	370,393	
8. Seychelles	26,000	
9. St. Helena	3,520	
10. Ascension	400	
WEST INDIES:		
1. Trinidad and Tobago	330,093	
2. Barbadoes	171,892	
3. Windward Islands	157,272	
4. Leeward Islands	127,189	
5. Bahamas	55,944	

And these lead in turn to political problems for which no wholesome solution can be found. The British Commonwealth has included vast numbers of the inhabitants of Asia and Africa, primarily because these races are as yet unable to govern themselves. In virtue of their status as British citizens they have claimed the right of free immigration to the territories of the self-governing Dominions; and to people in the British Isles, who have not lived in contact with Asiatic or African society, that claim may well appear unanswerable. England itself has always been open to them; but in truth England is open in theory only, for its climate and thickly inhabited area have few attractions for the peoples of Asia or Africa. It is the still uncongested territories of Australasia, South Africa, and even of Western Canada which attract the colonization of races bred in the sunnier regions of this world-wide Commonwealth.

Fallacy underlying dogma that every part of a state is open to its citizens.

The abstract claim of a British subject to enter any part of the Commonwealth and dwell in it is often assumed by English champions of equal rights as though it needed no proof. At the outset they forget that the only part of England which is legally open to an Englishman is that portion of its surface covered by the public roads, the commons, and such landed property as he himself may chance to possess. It is so with every civilized country; nor would the nationalization of the land remove such restrictions, for the productive value of public no less than of private land would be ruined if each and every citizen had a right to enter and remain on it at will. The law in this respect would

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probably be enforced more rigidly by the state than by private proprietors.

Practical consequences of free immigration on the political structure of the Dominions.

Such doctrines, like all others which concern human affairs, must be tested by reference to their practical consequences; and what the consequences to society would be if the principle of free immigration were once established between every part of the British Commonwealth, can be grasped by the help of the diagram here inserted. That Commonwealth includes at least a quarter of the human race, and of these more than six-sevenths belong to races other than those of Europe. They are included in this Commonwealth for the very reason that they are as yet unable to govern themselves. Now suppose that a perfect freedom of migration were established, it might happen that the vacant territories would be colonized by the natives of Europe and those of Asia and Africa in this same proportion. For every European in Canada, Australia, and New Zealand we may expect to find at least six belonging to the more backward races, who in their own countries cannot be entrusted with powers of self-government. But the political system of the Dominions has already been based on the principle of self-government. Let an Englishman think what the practical effect on his own institutions would be, if six out of seven inhabitants of Great Britain were of Asiatic race. Let him only think of London with six Asiatics to every European, and he will see why the white pioneer in a thinly peopled Dominion objects to the principle of free immigration.

It cannot, however, be assumed that free immigration would produce in the Dominions the same

Demoralisation produced by the contact of European labour with Asiatic or African labour.

proportion of Europeans to more backward races as exists generally throughout the Commonwealth. The non-European element is mainly employed on manual labour, and can subsist on wages which are much lower than are necessary for the support of a European. Manual labour, therefore, tends to become monopolized by a coloured minority, and, what is still worse, the European majority come to regard it as beneath the dignity of a white man. They tend to confine themselves to the work of superintendence, and become enervated. The sphere open to the white man steadily narrows, while that opened to the coloured man is continuously enlarged, and, while there is no room for white immigration, there is a steadily increasing demand for coloured labour. Thus in actual practice the principle of free immigration would not mean that the white and coloured races would flow over the vacant territories in the proportion of one to seven. The proportion of coloured immigrants would steadily increase at the expense of the white, and in the end the white would be exclusively confined to the work of political and industrial administration, as in India. The same conditions which have rendered it impossible to establish responsible government in India would come to exist in the self-governing Dominions. They would, in fact, be converted into colonies of Asia, Africa, or Polynesia, and would cease to be in any real sense colonies of Europe. The vacant territories of the Commonwealth, which are, indeed, the principal vacant territories of the world, would be permanently resigned to the more backward and more numerous societies of mankind, and

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would cease for ever to be the homes of the races who have developed the highest civilization. From the standpoint of ultimate human values the establishment of such a principle as free immigration would end in producing results as deplorable as they would be incapable of cure.[1]

The timely arrest of these evils due to colonial self-government.

If there were no other reason for rejoicing that these vacant territories were entrusted to the government of their own inhabitants so early in their history, their grappling with this problem before it was too late would of itself have justified the experiment. It was only a society face to face with the facts, as the people of the British Isles neither were nor could be, which could apprehend the issues at stake and insist on the difficult remedy in time. Naturally the problem first made itself felt in the colonies south of the line and the claim to control the future composition of their own population was asserted, not in Canada but in South Africa, Australia, and New Zealand. The Imperial Government, responsible for the great Dependencies and representing no one but the people of the British Isles, did not, of course, surrender lightly on a matter which seemed to involve their position of trustees to the backward races. But the argument of the colonies was unanswerable. The power to control the development of their own social structure meant nothing, unless they were free to control the selection of its material. The colonial governments, on the other hand, having no responsibility for the government of the Dependencies, could not readily grasp the difficulties created

[1] On this subject see report of *The Transvaal Indigency Commission*, 1908, and *The Government of South Africa*, chapter vi.

by their drastic handling of so delicate a problem. They failed to realize the gravity of the offence offered to racial susceptibilities throughout the Indian Empire, and the hardships often inflicted unnecessarily—and even necessarily—on individuals or whole classes of immigrants. In the end the steady pressure of the Imperial Government, backed by the power of the veto, prevailed so far as to secure that the immigration laws should be framed and administered with consideration for the races subject to exclusion, and generally with a view to minimizing the inevitable difficulties which the Imperial Government has to face in accepting the principle. On their side the Dominion governments have shown an increasing understanding of those difficulties and a readiness to avoid raising them.

Right of Dominions to control their own immigration proved to be not incompatible with unity of the Commonwealth

Here, as in the case of tariffs, the question has been determined by the best of all possible tests, that of experience. A colony consists not of a country represented by a certain area on the map but of the people who inhabit that area, and clearly they cannot control their own social development unless they can decide whom to admit to their community and whom to exclude. They must have that right, or forgo the power to mould the growth of their own national life. But is not the power of controlling this matter just as essential to the government which controls the vast Dependencies of the Commonwealth, and also the issues of peace and war? Can a government control foreign affairs unless it can say what foreigners have a right to acquire a domicile in any part of its jurisdiction? From this dilemma no escape

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can be found by arguing that the power can be shared between the Imperial and Colonial Governments. The final power to decide this way or that must rest either with the one or else with the other. It cannot be shared between them both, and if it is essential to both, the two must part; for the Imperial Government cannot assume the function of moulding the domestic life of the colony, and, therefore, the colony must assume for itself the control of its foreign affairs. As it is, the matter has been settled by the test of experience. The control of immigration has been conceded to the Dominion governments. Difficulties have arisen, both with countries like China and Japan, and also in the government of dependencies like India. But the difficulties have not in practice proved insuperable. We now know by actual experience that the Imperial Government can manage foreign affairs and can also govern the Dependencies, while leaving to Colonial and Dominion governments a final control over immigration. In this respect the line which divides Imperial from Dominion functions is no longer a matter of speculation. It has now been clearly and firmly drawn by virtue of the principle, which Durham inaugurated, of leaving self-governing colonies to assume whatever powers they might *finally insist* upon taking.

CHAPTER VI

HOW THE DOMINIONS BECAME NATIONS

THE colonists were soon to discover, however, that this readiness on the part of British public opinion to abstain from interference and leave them to unravel their own knots was only the first condition of self-government. In order to complete it, a series of positive and constructive acts were necessary which had to be effected by the colonists themselves. The establishment of responsible government in each of the provinces of British North America had meant that the government of these provinces was entrusted to provincial ministers responsible to provincial electorates. But as with the American colonies when left to deal with their own problems, experience soon brought home to British North Americans the existence of interests too wide for provincial governments to handle with effect. And later on a similar discovery was made in Australia and South Africa. In each of these Dominions a group of colonial governments were no more competent to handle British North American, Australian, and South African affairs than thirteen legislatures had been in handling American affairs. In the French and Indian wars those legislatures had organized no adequate defence of their own territories.

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CHAP. VI

The British North American provinces now realized their own incapacity to organize an effective defence against attacks from the United States, which during and after the Civil War were actually threatened. The legal power they had asserted of controlling their own industrial system was nugatory, so long as each province had power to establish separate and conflicting tariffs. The same difficulties were experienced in the colonies of South Africa and Australia. More obvious still was the failure of colonial governments to control the question of immigration. To control the entry of immigrants through ports is easy enough, but to do so across long frontiers in sparsely-inhabited regions was largely impossible. By what means could the Cape Colony, the Free State, and the Transvaal remain colonies of Europe while Natal was hastening to convert itself into a colony of Asia? Of what use was it for New South Wales to close its ports to Asiatics and Kanakas while those of Queensland just to the north were open to them? How was one section of Australians to safeguard its purity of race and civilization if another were exposing its territories to settlement from Asia and the Pacific Isles? The future of Australia as a centre of European civilization could only be controlled by one government answerable to the people of Australia as a whole; and so with South Africa. No people can realize nationhood unless they achieve national institutions, and achieve them in time. It was not, however, for the Imperial Parliament, in which the colonies were not represented, to impose national institutions upon them. If British North Americans,

Australians, and South Africans were really to manage their own national affairs, they had first of all to fashion for themselves organs adequate for the purpose. The step from provincial to national self-government was one which could only be taken by themselves.

Creation by Canada of a national government within the Commonwealth.

It was here again, in this work of positive construction, that Canadian statesmen took the lead. As compared with the statesmen of the eighteenth century, whose failure had led to the disruption of the Commonwealth, they enjoyed one sovereign advantage; for after their secession the thirteen colonies had shown how a national government could be created while preserving the provincial governments for provincial purposes. It is difficult indeed to exaggerate the debt which the authors of the Canadian Constitution owed to the authors of the American Constitution, and also to subsequent American experience; for the Canadians succeeded in avoiding a number of mistakes which American experience had revealed. As in the United States, the provincial governments were preserved; but, profiting by American experience, the Canadians succeeded in devising a better method of distinguishing their powers from those assigned to the national government. But in showing how a number of contiguous colonies could achieve nationhood and national control of their own domestic affairs without severing their connection with the British Commonwealth, the fathers of the Canadian Constitution were pioneers. In avoiding a further schism, they succeeded where British and American statesmen of the eighteenth century had failed.

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The national Unions of Australia and South Africa.

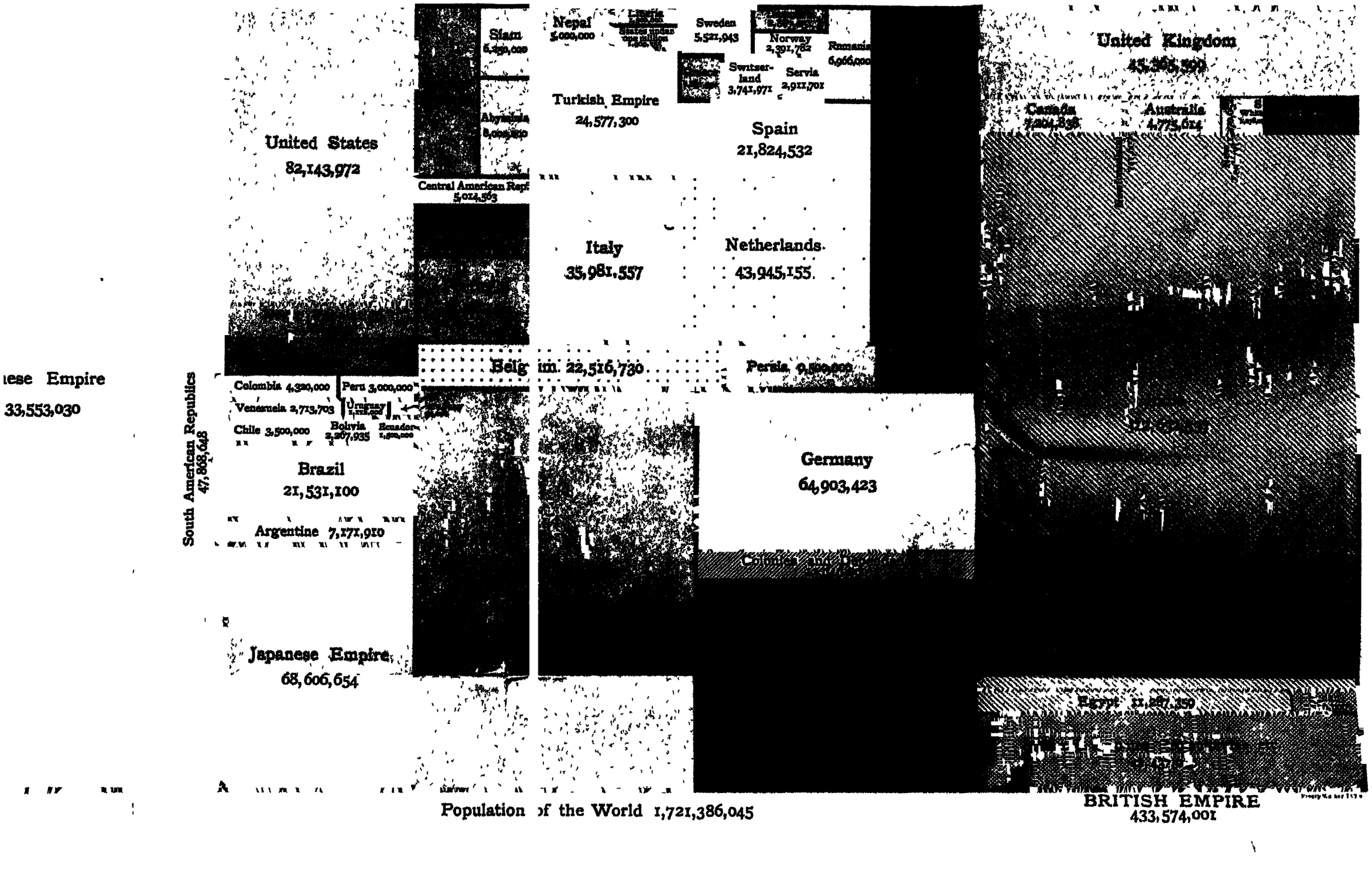
In 1867 the British North American provinces were thus welded by their own deliberate act into one people with a national government of their own, within the circle of the Commonwealth, and without changing their status as British subjects. It was a notable achievement destined to bear further fruit, when in the last year of the century the Australian colonies followed their example, and again when ten years later the Cape Colony, Natal, the Transvaal, and the Orange River Colony were merged in the national Union of South Africa.

Nationalism developed by the effective exercise of national functions

The colonists have thus demanded the right to exercise through governments of their own all the powers which they found from time to time to be necessary for the composition and development of their own social structure. Each has asserted the right to decide for itself who shall inhabit its territories and how they shall live; and the people of each Dominion have constructed for themselves national governments competent to interpret public opinion on these matters, to formulate policies, and to raise from the particular public to which they are responsible the taxation required to make them effective. And in equipping themselves to think and act as nations the peoples of the Dominions, like those of the United States, have severally acquired a national consciousness of their own. Canadians, Australians, and South Africans each think of themselves as nations distinct from the people of the British Isles, just as the British think of themselves as a nation distinct from the citizens of the United States.

The inhabitants of all new countries aspire to

Population of the Wo ld divided according to States



ıese Empire
33,553,030

Population of the World 1,721,386,045

produce a distinctive nationality of their own, and are eminently right in doing so. It is a healthy instinct which leads them to despise those who have no higher ambition than to reproduce the nationality developed under the conditions of a distant land and a different climate. Canadians, Australians, and South Africans are jealous of attempts to anglicize their manners and institutions. But really their fears are groundless. Their local environment, and above all the faculty they have acquired of regulating their own social development, invariably prove too strong for such projects. National individuality "cometh not with observation," but grows of itself. Certain great principles of life, such as the principle of self-government, will, as time goes on, become more and more a common inheritance of mankind. But side by side with this spread of ideas, which gradually become more generally applicable to human society everywhere, will be seen the development of national types appropriate to different countries, to their various climates, and to the several histories of the people inhabiting them. In the British Commonwealth, the United Kingdom, Canada, Australia, New Zealand, and South Africa are all isolated from one another as decisively as it is possible for any different countries to be. Socially they are isolated, and will, whatever happens, develop distinctive characteristics in their peoples. Their several individualities will conform increasingly to their several environments. Different and clearly marked nationalities will develop and, happily, no power on earth can now stop the process. Any attempt to impose British

Effect of the British Commonwealth in fostering the production of such types.

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nationalism on the world at large would have been defeated by Nature herself as surely as the attempt to impose German nationalism will be. The world is richer for the variety of types. The Canadian, Australian, and South African will in many respects grow less like each other and not more so. The spread of the British Commonwealth over so large a share of the vacant territories of the world has not meant and cannot mean the spread of the British nation. It has already resulted in the production of a number of new nations and of national types which are destined in the future to become as clearly marked in their difference from each other as Englishmen and Americans now are.

The terms 'nation' and 'state' distinguished. Meaning of the former examined.

Nationalism is one of the vital realities of life, for men feel that it is just as important to belong to a nation as to belong to a family, or indeed more so. The term is a vague one, vaguer far than the word family. Yet nothing is commoner in political argument than for disputants to reason as though the word 'nation' were identical with the far more definite term 'state.' The absurdity of such an assumption will be realized at once if the reader will glance at a diagram such as that which is here inserted, upon which the inhabitants of the world are shown as divided into their several states. Whether a man is a British subject, a German subject, or a Chinese subject is a question which has to be decided every day, and for practical purposes admits of decision. But if any one will undertake to divide this same diagram into nations, he will realize at once the impossibility of such a task and also the futility of any reasoning based upon the supposition that the words 'nation' and

'state' stand for the same ideas. The Jews, for instance, are conscious of nationhood, but they are, and always will be, distributed amongst a variety of states. Nor in millions of cases can any one decide whether a particular person is or is not to be counted as a Jew. Yet none the less the sense of nationhood is a fact, and new nations are still in the making. A Victorian will claim that his nationality is Australian, not English, as vehemently as a Californian will claim that his nationality is American. He feels that Australians have a certain character which has already become distinct from that of the English, and which he hopes will become still more distinct in course of time. His environment is different from that of the Englishman, and therefore he looks to develop a character suited to that environment and different, therefore, from that which his forefathers developed on the other side of the world. But the character is one which he wishes to be common to all the people of Australia, and a fellow-countryman who aspires to be English rather than Australian rightly offends him.

Effect of self-government on the development of nationhood.

In a new country the way for a people capable of self-government to develop a fresh and distinctive character of their own is to qualify for the management and control of their common affairs. Australian nationality could scarcely develop so long as Australians were divided into six colonies each managing its domestic affairs from a colonial as opposed to an Australian standpoint. Really to develop an Australian nationhood, it was essential for the people of that great island to have a government through which they could control all

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the affairs peculiar to Australia as distinct from those which Australia shares with the people of the British Commonwealth in other parts of the world. It is for this reason that Americans could never have become a nation in any real sense of the term if, after the Declaration of Independence from Britain, the several states had remained independent of each other. Georgia, Rhode Island, and Massachusetts could scarcely have become nations in any genuine sense of the word. The failure to achieve political union would have meant failure to achieve a genuine nationhood.

New nationhood developed among people inhabiting one country in the process of managing the affairs peculiar to themselves.

On the other hand, if the thirteen colonies had not seceded, but had formed a common American government, as the Canadian provinces afterwards did, the Americans would have found themselves achieving nationhood just as the Canadians or Australians are doing. The faculty of common control over all the interests peculiar to the country in which they lived, and the constant exercise of that faculty, would have developed a type of man closely adapted to American conditions as distinct from English conditions. One essential feature of nationhood is the development of a character adapted to environment, such a character as Jews could never have developed if they had not dwelt together for ages in Palestine. The different races are themselves the result of different local environments, differences which have in some cases become so emphatic that it is now impossible to overcome them. A European and a negro come of races developed in surroundings so different that they cannot now be assimilated, and that is why the presence of the negro in their midst presents

to Americans an insoluble problem. They have brought themselves to regard the negro as a fellow-citizen, but would recoil from the notion that they and the negroes belong to one and the same nation. To think that the difference may eventually be overcome by intermarriage is abhorrent to them. They would willingly exchange, if they could, the negroes for Poles and Italians, because they believe that Europeans, of whatever race, can ultimately be assimilated to the same American type as themselves, and that intermarriage is a desirable means to that end.

Self-government in the Dominions, though sufficient for the purpose of realizing their nationhood, is still incomplete.

The nationality to which new peoples aspire is a high type of character appropriate to the country in which they live and to the history which brought them there. Clearly such a character can be developed most surely by a people who control all the conditions peculiar to the country in which they live, and it is such control the people of the Dominions have already acquired. Canada does already control affairs that are strictly and exclusively Canadian: and so with Australia, New Zealand, and South Africa. But the fact that all these communities are still united in one larger Commonwealth is proof of interests which they share in common with each other and the people of the British Isles. It is by their own free will that they have remained within the circle of this Commonwealth, so that an attack made upon one is an attack made upon them all. Peace and war are interests common to all and peculiar to none of them, and it is when we come to these interests, which, because they are common, are also supreme, that we find that the assumption of self-government

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by the people of the Dominions has not been pushed to its completion. They have asked for and acquired control over all their purely domestic affairs, not excluding such debatable matters as immigration and trade. But they have never as yet demanded or obtained any kind of political control of the policy which involves them in peace or war. Lords of their own ramparts, they have neither asked nor been offered a voice in the counsels whereby the main citadel of freedom must stand or fall.

CHAPTER VII

HOW THE DOMINIONS STOPPED SHORT OF SELF-GOVERNMENT

Cases in which powers of self-government demanded by the Dominions have not been conceded.

In practice, the Imperial Government has left the people of the Dominions to control every one of the interests which they, through their parliaments, *have finally insisted* upon controlling; and this includes two powers, the control of commercial relations and of immigration, which, to judge from all foreign examples, might be classed as essential attributes of the central authority responsible for the issues of peace and war. The inference that the Imperial Government has conceded every demand for further powers advanced by Dominion governments is asserted so often and so loudly, that scarcely any one thinks of questioning it. Responsible government is habitually spoken of as though it were completely achieved. Facts, however, are directly at variance with that doctrine. That the Dominions have been conceded every power of self-government which they *finally insisted upon having* is true; but on several occasions they have wished and tried to assume powers which have not been conceded in the last analysis, because they did not insist on them. In the early eighties Australasians observed with anxiety the increasing activities of

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France, Germany, and the United States of America in the Pacific. A foreign power established on the southern coast of New Guinea was clearly in a position to menace the safety of Australia, and Queensland, whose coasts were most nearly affected, implored the Imperial Government to forestall such a possibility by annexing the whole of that great island. The cost of administering these vast territories was heavier than Queensland could face, and the revenues of the Imperial Government were derived exclusively from the taxpayers of the British Isles whose interest in New Guinea was remote in comparison with that of the Australians. To the question put by the Imperial Government whether the Australian colonies would guarantee the cost involved, no certain answer was forthcoming nor indeed was possible. For its six colonial governments were just as incapable of meeting the national needs of Australia as in the previous century thirteen colonial governments had been of meeting the national needs of America. The problem was not in practice solved by the formula of co-operation. A deadlock ensued, and in 1883 the Queensland Government cut the knot by annexing New Guinea on its own responsibility. Their action was promptly repudiated by the Imperial Government. In the same year the Parliament of New Zealand passed a Bill authorizing the New Zealand Government to annex any island in the Pacific not claimed by foreign powers. The Bill was vetoed by the Imperial Government. Another and more recent case may be noted. In 1910 the Parliament of New Zealand passed a measure which would in effect have excluded from New Zealand ports all ships but those

registered in Australia and New Zealand. The territorial waters of New Zealand would, in fact, have been closed to all maritime states of Europe and America. Such a step was without precedent and was calculated to provoke a retaliation by foreign powers of which Great Britain, whose ships were also excluded under the Bill, would have had to bear the brunt. The Bill was disallowed by the Imperial Government and never became law.

Reasons why these claims were not pressed by colonial governments.

Here are three cases, taken at random, in which self-governing colonies attempted to control matters which they rightly believed were of primary interest to themselves. But the necessary powers were denied by the Imperial Government and were never yielded, because the colonial governments did not persist in demanding them as they did in the case of tariffs and immigration. And we have only to imagine what must have happened if they had persisted, in order to see why they did not. The hoisting of the British flag over New Guinea and the unoccupied islands of the Pacific, and its maintenance when hoisted, meant that in two directions there were responsibilities which had to be met. In the case of New Guinea a heavy charge was involved for an indefinite time for the cost of administering those vast territories. Queensland was not in a position to meet that cost, but the British Government could not recognize the action of that colony without rendering the taxpayers of the British Isles responsible for the consequences. And as in the case of tariffs and immigration, the powers conceded to one colonial government must afterwards have been conceded to all. The

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Imperial Government, however mistaken in refusing to annex New Guinea, could scarcely endorse the action of the Queensland Government without establishing the principle that any one of a dozen colonial governments might commit the British electorate to indefinite charges. The position was one which no British Government could justify to Parliament, and no Parliament to its constituents. But that was not all. The annexation attempted by the Queensland Government and those desired by the New Zealand Parliament had, in order to become effective, to be notified to foreign powers, and, unless or until Queensland had first secured recognition as an independent state, that notification could only be made by the British Government on its own responsibility. But it is seldom possible for one government to take something which other governments want without provoking those other governments to follow suit. When Germany took Kiauchow, Russia promptly secured Port Arthur, and Britain Wei-hai-Wei. And so had Britain notified the seizure of New Guinea and of all the unoccupied isles of the Pacific without the previous knowledge and assent of the other world powers, Germany and France might have followed suit in Africa, and Russia on the frontiers of Turkey or India. A general scramble might have ensued which might conceivably have led to a war in which Europe, and not impossibly the United States, would have been allied against the British Commonwealth. Against such forces and in a struggle brought on by its own action the Commonwealth might easily have perished, but in any case the cost, which would have been gigantic,

would have fallen upon the taxpayers of Great Britain. Here again were risks which no government could possibly have justified to the British electorate. These annexations in the Pacific were such as could only be considered in conjunction with similar questions awaiting settlement in every continent but that of America.

Insistence on powers of annexation must have involved independence.

Had the Queensland and New Zealand governments insisted on the right to annex territories which might otherwise be occupied to their detriment by foreign powers, they could only have done so if they had been prepared to act on their own responsibility. But in order to assume that responsibility their independence of the British Commonwealth had first to be notified to foreign powers, and such notification would have meant much more than a change in the international status of colonial governments. Such a step would have affected every man, woman, and child domiciled in those colonies. Each and all of them would have lost their status as British citizens. For each individual it involved the profoundest of all political changes, and one which neither the governments nor the peoples to whom they were answerable were prepared to contemplate.

What functions are really Imperial as distinguished from those which are proper to each Dominion has been ascertained by experiment.

The essential difference between tariffs and immigration on the one hand, and the annexation of vacant territories on the other, was thus revealed by attempts on the part of Colonial or Dominion governments to handle them. They demanded the right to control tariffs and immigration. In England there were some who believed that the exercise of those rights must lead to their separa-

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tion from the Commonwealth. It could not be argued, however, that the exercise of these rights necessarily and immediately created new burdens and responsibilities for which the Imperial Government would have to answer to the British electorate. There was no insuperable reason for refusing these powers, and, as subsequent experience proved, they have been exercised without creating a deadlock. They have been shown by trial to belong to that order of national interests which each self-governing nation in the Commonwealth can, and therefore ought to, control for itself. But with questions of annexation it was different. Such powers could not be conceded without producing consequences for which the Imperial Government would be answerable at once to the British taxpayers and to foreign powers. For the full consequences were such as the colonial governments were not prepared to assume. The mere attempt on their part to handle such interests revealed the fact that these were matters common to the British Commonwealth as a whole, and such as must be dealt with as a whole.

Inability of colonists under existing system to handle questions of vital interest to themselves.

It was not urged, nor indeed can it be urged, that the Australasian communities had no real interest in these matters. Their interest in New Guinea and the Pacific Isles was a very real one, though none the less inseparable from interests common to the British Commonwealth as a whole so long as its colonies remained a part of the Commonwealth. Yet not only were the Australasian colonies unable to control these matters, but such was the system that they could not even share in the control. The whole disposal of the

matter had finally to be left in the hands of a Government responsible only to the people of the British Isles, with results which were far from satisfying the hopes and indeed the reasonable demands of the colonies.

CHAPTER VIII

DOMINION NAVIES

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Question of colonial contribution to defence raised by Russian scare of 1885.

It was thus brought home to the colonies of Australia and New Zealand that they had interests of the most vital nature which were still beyond the limits of their own control. A further reminder was presently to come from another quarter. In 1885 disputes with regard to the Indian frontier had brought Great Britain and Russia to the brink of war. The superior power of the British fleets was not in question; but it was known that Russia intended to have cruisers at large which could destroy ships in the Pacific and bombard the ports of Australia and New Zealand, which were not equipped to defend themselves. The immediate danger passed, but the possibility of its recurrence had been realized never to be wholly forgotten, and the Imperial Government was asked by the colonies what provision, if any, of fleets and forts it proposed to make for their future protection. The Imperial Government replied by inquiring what funds the colonial governments were prepared to devote to the enlargement of the squadrons kept in their waters and to the building and armament of forts.

The close of the great struggle with France in 1815 left Britain with the supremacy at sea which

Institution of Colonial or Imperial Conferences the result.

was, is, and always will be the condition of her freedom. Neither France nor any other power was in a position to challenge the exclusive claims to the whole of Australia and New Zealand which were finally made in 1840. No colonies had ever been planted within coasts so apparently immune from foreign attack, and it is not to be wondered if, for the first fifty years of their existence, the Australian communities went about their business as though peace were a natural condition of human society. The stern fact that peace rests on continuous effort and sacrifice was first brought home to them by the rejoinder of the Imperial Government to their request for increased protection to their coasts. The cost had been borne by the taxpayers of the United Kingdom, and the British Government, warned by the mistakes of their predecessors in the eighteenth century, made no attempt to shift any part of the burden to the colonies, so long as those colonies accepted without question the provision made for their protection. But the moment colonies demanded a further expenditure on their local defence, it was clearly impossible for the British Government to avoid asking them how much they were prepared to contribute towards the cost of meeting their own demands. That the Imperial Government should satisfy not merely the taxpayers to which it was financially responsible, but colonial electorates which paid no imperial taxes was scarcely arguable. This, however, was absolutely certain,—measures for protecting the furthest coasts of the Commonwealth which satisfied the people of the United Kingdom were sure not to content the inhabitants of those distant

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regions. The problem which had slept since the American revolution was thus inevitably revived. But the conditions for handling it were greatly improved. The new colonies had what the older colonies had lacked—responsible executives with which the question could, at least, be discussed. And discussion was the immediate result. The occasion of the Queen's Jubilee in 1887, when representatives of the colonies were assembled in London, was seized as an opportunity for holding a conference to consider the matter. A similar occasion was offered by the next Jubilee in 1897. The spontaneous share taken by the colonies in the South African War led to a third in 1902. Thereafter the conference became a recognized institution. A fourth meeting was held in 1907, a fifth in 1909, and a sixth in 1911.

First result of the conferences, colonial contribution to Imperial navy.

From first to last the Imperial Government recognized its final responsibility for accepting war with any power which might attempt to violate any part of the Commonwealth. That responsibility was often affirmed, despite the fact that by international custom such affirmation was quite unnecessary. The various parts of this widespread Commonwealth had been annexed one by one, and annexation only became effective when it was notified to foreign powers by the British Government. But such notifications meant that henceforward an attempt on those territories would be recognized as an act of war by the British Government, no less than if similar attempts were to be made on Cornwall or Kent. It was clearly understood by all foreign powers that, so far as they were concerned, the British Common-

wealth was one international state for which the British Government alone was competent to declare peace or war. An attack on Australia, New Zealand, South Africa, or Canada involved a conflict with all the forces which the people of Great Britain could marshal by land or sea. That is a position which could only be changed by a notification to foreign powers, in a shape as formal as the original announcement of annexation, to the effect that the British Government no longer recognized these territories as part of the Commonwealth. The people of Great Britain continued to accept the responsibility for resisting an attack anywhere made on territories which covered close on a quarter of the habitable surface of the globe. That was the recognized position which was not only allowed to continue, but expressly confirmed. And no correlative declaration was ever demanded from the self-governing Dominions. They were never asked to pledge their whole resources to resisting an attack on the British Isles, even when such an attack had been made. The matter, in a word, has never become the subject of bargain or contract.[1] But the moment the colonies of Australia began to demand some further protection than the Imperial Government had made against the immediate dangers and losses involved by war,

[1] At the Colonial Conference of 1907 the First Lord of the Admiralty, Lord Tweedmouth, said: 'We hope to have their 'help, but still they are quite right to look after their own 'interests, in the full security that so far as the British Govern-'ment can be of use to them in their defence in time of need, 'they may depend in any circumstances on our giving that aid 'with the greatest joy and without any sort of drawback what-'ever.'—[Cd. 3523], p. 149.

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it was inevitable that the Imperial Government should inquire how much they were prepared to contribute to the cost. It offered, in fact, to strengthen the squadrons in Australasian waters, if and when the colonial ministers were authorized by their parliaments to make certain grants in aid to the Imperial exchequer.

Contributions to the Imperial navy recognized as contrary to the spirit of responsible government. Second result of conferences the creation of Dominion navies.

For some years such contributions were voted by all the colonies south of the line. In 1900 the six Australian colonies were merged in the Australian *Commonwealth*[1] and the national government of Australia continued these contributions, until some objection was raised on the ground that the practice was contrary to the principle of responsible government. The *Commonwealth* parliament was free as air to make or withhold the contribution. But the moment the *Commonwealth* parliament had voted the contribution they lost control of its administration. Its expenditure, however guarded by conditions imposed on the grant, yet lay in the hands of a ministry responsible not to the parliament and electorate of Australia, but only to the parliament and people of the British Isles. The backward tendency of this principle can be seen by the simple process of picturing its application to every branch of the public service. Suppose that the Australian parliament, having framed and voted estimates for all the departments, were content to entrust the expenditure of the total sum to the Imperial ministry, it would clearly have reverted from responsible to

[1] This word when printed in italics must be taken as referring to the Australian *Commonwealth* as distinguished from the British Commonwealth, of which it is a part.

representative government. Responsible government can exist only in so far as the laws, and especially those relating to the expenditure of money, are executed in detail by ministries liable to be dismissed from office by the same electorate as that which votes the money. Public opinion in Australia refused to perpetuate an arrangement which violated this principle and insisted that, in future, the ships must be purchased, equipped, manned, and controlled by ministers responsible to, or, in plain words dismissible by, Australians. A demand for powers to create and maintain navies of their own on the part of Australia, and presently of Canada, was the practical result of an instinct which forbids a people which has once put its hand to the plough of self-government to look back.

Limits within which responsible government was extended in creating Dominion navies.

But was the demand one which, as in the case of tariff and immigration, might be conceded without disrupting the Commonwealth? Or, was it one which, as in the case of annexations, could not even be discussed without asking the Dominions to consider whether they proposed to remain part of the Commonwealth, or to go outside it? Clearly it was not a demand which, as in the case of New Guinea, compelled the Imperial Government to impose new charges on British taxpayers. And the presence of Dominion fleets in their own ports and waters raised no difficulty in time of peace. To this extent the demand of Australia and Canada to create and control navies of their own was expressly granted. By international usage, however, fleets cannot enter the ports or waters of foreign countries except upon the invitation or by the permission of their governments. This difficulty the Dominion

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governments consented to obviate by restricting their ships to certain waters adjacent to Australia and Canada, and by recognizing that outside these areas and in foreign waters their ships must pass under the control of the Imperial Government. These were explicit restrictions set out in the terms of a formal agreement.[1] There was another, however, which was much more important. The Dominion navies were not to be described as 'the 'Australian Navy' or 'the Canadian Navy,' but, as 'His Majesty's Australian Navy' and 'His Majesty's Canadian Navy.' These two additional words, so far from being imposed upon the Dominions, were eagerly demanded by public opinion there, in token of the fact that the creation of navies of their own was not to be interpreted as signifying a desire on their part to sever themselves from the British Commonwealth, or to renounce their status as British citizens. In the future as in the past all acts of government so far as the Dominions were concerned were to be done in the name of his Britannic Majesty. And the white ensign was to be flown at the stern of Dominion ships 'as the symbol of the authority of the 'Crown.'[2] But as every one knows the King never exerts his authority except upon the advice of ministers, whether those of the United Kingdom, or of the self-governing Dominions. All acts requiring to be done for the creation, maintenance, and control of the Australian and Canadian Navies in their own waters, whether in peace or war, were still to be done in the King's name, but upon the

[1] Papers laid before the Imperial Conference of 1911 (Cd. 5746-2).

[2] *Ibid.* p. 1.

advice of his Australian or Canadian ministers, as distinguished from that of Imperial ministers.

No power acquired by Dominions of committing their own forces to action or inaction.

Thus, in virtue of naval Acts passed by the Australian and Canadian parliaments and ratified by the Imperial Government, subject to certain agreements, the people of those Dominions established their right to acquire weapons of war and to learn their use. No people, however, can acquire weapons at their own charge, and learn to use them with their own hands, without also admitting that the question when they are to use or abstain from using them is one that concerns themselves in the highest degree. But here was a matter over which they acquired no particle of control. The two Dominion navies which were actually called into existence were distinguished from each other and the British navy by the words 'Canadian' and 'Australian.' But the title of 'His Majesty' applied in common to all three, and the white ensign hoisted at the stern of each ship proclaimed the fact that Canadians and Australians were committed to risking their fleets in any war declared in the name of His Britannic Majesty. The idea that the King could declare war on the advice of his British ministers, and simultaneously declare peace on the advice of Australian or Canadian ministers was confined to men whose legal notions had obscured their common sense and blinded them to political facts. No King could accept such a false position for the obvious reason that no British ministry would allow him to do so. For no enemy would accept the position unless it suited him to do so, and no British ministry would accept what suited the enemy. The King would have to choose between rejecting the advice

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either of his British or Dominion ministers, and that in such an event he would be guided by British ministers is not in question. On their advice he would refuse to declare peace on the part of a Dominion, and its ministers would have no choice but to accept war or to make the notification of peace for themselves; and, in making such a notification, they would have to inform foreign powers that henceforward they renounced the authority of the King. Such a statement would amount to a declaration of independence—to a formal renunciation, on behalf of the people they represented, of their status as British citizens, which some of them would probably repudiate and resist. And the same is applicable to everything done or said with reference to issues of peace and war. Such acts must be taken by the King on the advice of his British ministers. Dominion ministers would, of course, be free to advise, but their advice, if contrary, would not prevail. The Dominions, so long as they remained British Dominions, and their people, until they renounced their status as British citizens, would be involved in war or restrained from war on the advice of ministers responsible solely to the people of the British Isles. Imperial affairs which affect the Commonwealth as a whole, as well as the domestic affairs of its different parts with their several governments, may all be conducted under the form of royal commands issuing from one and the same King. But a form cannot reverse principles nor change realities, though it may obscure them, and often does, from minds which have lost the power of distinguishing legal fictions from the facts behind them. A canvas casing on steel gear may

look admirable so long as the mechanism is at rest. But unless perfectly fitted to the solid shapes which it clothes, the canvas will be torn to ribbons the moment the mechanism is set in motion. Steel will obey the principles of steel, not those of canvas and thread. And so with facts. They may be disguised, but they cannot be changed, by legal tailoring, and unless the fictions of law conform to the facts they will tear and go into a tangle the moment the facts begin to vibrate. And of all political facts the principle by virtue of which states exist is the most unalterable. A state is a community claiming an unlimited devotion on the part of each and all of its members to the interest of all its other members, living and yet to live. One person cannot recognize two such claims, because, sooner or later, they are bound to conflict. A South African, for instance, cannot allow a concurrent right of deciding whether he, individually, is at peace or at war to exist both in the government of South Africa and in that of the British Commonwealth. He cannot allow what the nature of things will not permit, and had Beyers and his confederates been in power in 1914, as but for the statesmanship of Botha and Smuts they might easily have been, the matter would have come to the test. When war was declared in the King's name, the German Government recognized that British citizens in every part of the Commonwealth were involved.[1] No foreign government was in any doubt on the matter, and to alter this

[1] 'The Foreign Office in Berlin has informed commercial 'circles in Hamburg, in response to their inquiry, that Germany 'must be considered at war with all British Colonies, as well as 'the Congo.'—*Telegram to the 'Daily Chronicle' from Copenhagen, dated August* 14, 1914.

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position, a South African government dominated by Beyers would have been forced to make some positive declaration. Unquestionably they would have claimed the position of neutrals, but in order to substantiate that claim, they must have asked Germany to accept it, a request which would have been eagerly granted. They must have ordered all South Africans to regard themselves as at peace with Germany, and therefore to fulfil the duties of neutrals. Lacking the physical means of compelling British warships to leave their ports, they must have forbidden merchants to supply them with coals and provisions, except in such quantities as would suffice to carry them to the next port. But most of these merchants would have claimed that, as British citizens, they were at war with Germany and not merely entitled but even bound to give aid and comfort to British ships. As British citizens they would have claimed that the Imperial Government, not that of South Africa, was alone entitled to decide the question of peace and war so far as they were concerned, and the law would have been on their side. The attempt of the Beyers government to enforce its commands would have been lawfully resisted and the whole population would have been driven to arms, some to support the authority of the Beyers government, others to support the action of the merchants. In law, Beyers, as a minister, would have been no less a rebel than he actually was as a private citizen. He could only have divested himself of that character, even in the South African courts, by declaring the status of South Africa as an independent republic, and also by estab-

lishing its position as such. No fiction which presumes that the man George V., as King of England and as King of South Africa, is two legal persons, would have kept the facts from coming to this issue. In matters of peace and war, the first, greatest and most comprehensive of all public interests, South Africans are subject in fact as well as in law to a Government which exists, not in Pretoria nor in Capetown, but in London. And so it is with Canada, Australia, and New Zealand. It is in London and not at Ottawa, Melbourne or Wellington that their ultimate destiny is made or marred. The institution of one hereditary president, in whose name all laws are ordained and executed, will work only so long as their governments recognize that the Dominion, though a nation, is not a state, but only a part of one wider Commonwealth, to the general Government of which, rather than to themselves, their peoples are amenable in questions of peace and war. They may manage their own domestic affairs, regulate their commerce, create forces by land and sea, and do anything they please, short of attempting to handle for themselves the ultimate issues of national life and death. Those issues, the moment they are raised, must be left to a Government in which they have no more voice than the peoples of India, of Egypt, or of Fiji. So far as the first, last and greatest of all national interests is concerned they are not self-governing Dominions. They are simply dependencies, and no thinking man can face this conclusion and yet believe that communities like Canada and Australia can long continue to accept that position.

CHAPTER IX

THE IMPERIAL CONFERENCE

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Tendency of official leaders to burk constitutional reform.

CONSTITUTIONAL reforms, however, are seldom demanded by a people until they are conscious of some practical need and have grasped the nature of the change required to meet it. And at first such projects are generally discountenanced by their leaders, to whom any change in the mechanism to which they are used is naturally distasteful. In matters affecting his own position, no conservatism is more deeply rooted than that of a minister who has long been in office, and this is as true of Liberals, Radicals and Labour men as of Tories. While experience is teaching, habit is also at work, blinding the average mind. It is only a man, with that touch of genius which distinguishes the statesman from the party leader, who can see for himself a radical defect in the machine he operates, bring it to the notice of the public, and warn them that certain disabilities under which they labour can only be removed by curing that defect. In free communities the highest function of statesmanship is to enable the public mind to connect evils with their causes, and, in doing so, to nerve men in the mass to accept the changes needed to cure them. But in general the professional

ruler is more adverse to change than the people, especially to such changes as tend to make him accountable to public opinion. He is as slow to admit such defects in the instruments familiar to him as he is quick in devising formulae which obscure them from himself as well as from his hearers. Truth is falsified by concentrating light on the pleasanter parts of it, and the public mind is diverted from things which matter, because they are yet to do, by the emphasis laid upon things which have ceased to matter, because they are done.

These tendencies illustrated from the records of the Imperial Conference.

To see these tendencies at work the reader has but to turn to the records of the Imperial Conference. Its members are never tired of insisting upon its character as a meeting 'of governments with governments.' Directly or by implication the development of self-government in the Dominions is described as complete, and they are constantly spoken of as 'partner nations' whose ministers stand on a footing of absolute equality with Britain itself. Such phrases are used as common forms; as though half truths could be turned into truths by repeating them often enough. Nor are ministers whose experience is limited to Dominion affairs more prone to this practice of darkening counsel than those who have worked the Imperial machinery and should know what it is from end to end. There are rare exceptions, but the practice is not peculiar to either political party. For one classic example we may turn to the speech with which the last Conference was opened in May 1911.

'There are two things,' said the President, 'in 'the self-governing British Empire which are unique

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The accepted theory as expressed in the inaugural speech at the last Imperial Conference.

'in the history of great political aggregations. The 'first is the reign of Law: wherever the King's writ 'runs, it is the symbol and messenger, not of an 'arbitrary authority, but of rights shared by every 'citizen, and capable of being asserted and made 'effective by the tribunals of the land. The second 'is the combination of local autonomy—absolute, 'unfettered, complete—with loyalty to a common 'head, co-operation, spontaneous and unforced, for 'common interests and purposes, and, I may add, 'a common trusteeship, whether it be in India or 'in the Crown Colonies, or in the Protectorates, 'or within our own borders, of the interests and 'fortunes of fellow-subjects who have not yet 'attained, or perhaps in some cases may never 'attain, to the full stature of self-government.

'These general considerations, Gentlemen, fami- 'liar as they are to all of you, may not be wholly 'out of place when we are contemplating in advance 'the work which is set before this Imperial Confer- 'ence. In the early Victorian era, there were two 'rough-and-ready solutions for what was regarded, 'with some impatience, by the British statesmen of 'that day as the "Colonial problem." The one was 'centralization—the government, that is, except in 'relatively trivial matters, of all the outlying parts 'of the Empire from an office in Downing Street. 'The other was disintegration—the acquiescence in, 'perhaps the encouragement of, a process of succes- 'sive "hivings off" by which, without the hazards 'or embitterments of coercion, each community, as 'it grew to political manhood, would follow the 'example of the American Colonies, and start an 'independent and sovereign existence of its own.

'After seventy years' experience of Imperial evolution, it may be said with confidence that neither 'of these theories commands the faintest support 'to-day, either at home or in any part of our self-'governing Empire. We were saved from their 'adoption—some people would say by the favour 'of Providence—or (to adopt a more flattering 'hypothesis) by the political instinct of our race. 'And just in proportion as centralization was seen 'to be increasingly absurd, so has disintegration 'been felt to be increasingly impossible. Whether 'in this United Kingdom, or in any one of the 'great communities which you represent, we each 'of us are, and we each of us intend to remain, 'master in our own household. This is, here at 'home and throughout the Dominions, the life-'blood of our polity. It is the *articulus stantis 'aut cadentis Imperii.*

'It is none the less true that we are, and intend 'to remain, units indeed, but units in a greater 'unity. And it is the primary object and govern-'ing purpose of these periodical Conferences that 'we may take free counsel together in the matters 'which concern us all. Let me select one or two 'illustrations from the agenda which have been 'suggested for our deliberations here.

'There are, first of all, proposals put forward from 'responsible quarters which aim at some closer 'form of political union as between the component 'members of the Empire, and which, with that 'object, would develop existing, or devise new, 'machinery, in the shape of an Advisory Council, 'or in some other form. I need not say that, in 'advance of the discussions which we are about to

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'have, I pronounce no opinion on this class of 'proposals. I will only venture the observation 'that I am sure we shall not lose sight of the 'value of elasticity and flexibility in our Imperial 'organization, or of the importance of maintaining 'to the full, in the case of all of us, the principle 'of Ministerial responsibility to Parliament.'[1]

Advantages of the existing system emphasized in the inaugural speech.

The passage is an example of guarded speech from the lips of one who is master of the art. The autonomy of the Dominions, though described as absolute, unfettered, and complete, is skilfully qualified by the word '*local*'! The right of each community 'to remain master inside its own house-'hold' is properly noted as the life-blood of the British polity—the cardinal principle by which it must stand or fall. And with equal propriety the taking of 'free counsel together in the matters 'which concern us all' is mentioned as the 'primary 'object and governing purpose of these periodi-'cal Conferences.' The local autonomy of the Dominions was too well established to call for conferences to discuss it, and clearly their ministers, when gathered in London, could take free counsel together on matters which concerned them all.

Its silence with regard to the defects.

The speaker thus chose to dwell on things already achieved by the system. But on needs which that system could never meet he was silent. For a few weeks the Conference was there to deal with outstanding business. But as soon as it adjourned new matters of common concern would arise which would have to be settled before it was due to assemble once more in 1915. The President

[1] *Minutes of the Proceedings of the Imperial Conference of 1911*, Cd. 5745, pp. 22-23.

omitted to note that such matters could not become the subject of free discussion in a personal conference. Nor did he observe that it is not enough to discuss matters of common concern. Sooner or later they must be settled, and some of them sooner than later. He failed to remark that the most important, those affecting the issues of peace and war, are habitually settled by the government responsible to the people of the British Isles, and without reference to those responsible to the people of the Dominions.

Its accurate recognition of one condition essential to responsible government.

These were the vital topics and upon all of them the speaker chose to be silent. Nay rather he betrayed a certain uneasiness at the thought that another member of the Conference was threatening to raise them. His words were calculated to leave the impression that the system was very well as it was, and that any attempt to improve it was risky. Hence the plea, filed in advance, that nothing should be said or done to interfere with the responsibility of ministers to a parliament. His carefully chosen words showed that to him, indeed, responsible government was more than a phrase. Under British institutions responsible government means that a parliament chosen by the people can dismiss the ministers entrusted with their interests and put others in their place. To be operative this power of dismissal must rest with one body, and with one only, whether that body is a parliament, or, as in the American Commonwealth, the electorate itself. A parliament or electorate which forgoes the right to choose its own ministers, except with the concurrence of one or more other parliaments or

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electorates, obviously destroys its own power of controlling administration. The speaker was on sure ground in noting this as a necessary condition of responsible government, in insisting that one government must be answerable to one parliament, and in uttering a note of warning against any proposal to depart from this principle. He saw clearly enough wherein the existing system satisfied this condition, and was rightly suspicious of any proposal to go back on it.

The issue obscured by confused nature of the proposals submitted to the Conference.

Unfortunately, however, the further discussion of the matter was obscured by the way in which it was introduced by Sir Joseph Ward. The motion he tabled was in favour of creating a permanent *advisory* council representing the self-governing Dominions as well as the British Isles. But the scheme, as described in Sir Joseph's speech, was one for creating an Imperial Parliament with legislative power in Imperial affairs and an executive of twelve, responsible, not to this parliament, but to the electorates of the United Kingdom, of Canada, Australia, South Africa, New Zealand, and Newfoundland.[1] To the question whether the existing Imperial Parliament was to surrender its responsibility for Imperial affairs or share it with the new Imperial Parliament, he gave no certain answer; or rather he made two opposite answers.[2] The President chose to assume that Sir Joseph Ward meant it to be shared, for a time at any rate, and this assumption enabled him to reply to Sir Joseph's proposal with crushing effect.

[1] *Minutes of the Proceedings of the Imperial Conference of 1911*, Cd. 5745, p. 57.

[2] *Ibid.* pp. 58 and 60.

'For what,' Mr. Asquith asked, 'does Sir Joseph 'Ward's proposal come to? I might describe 'the effect of it without going into details in a 'couple of sentences. It would impair if not 'altogether destroy the authority of the Govern- 'ment of the United Kingdom in such grave 'matters as the conduct of foreign policy, the 'conclusion of treaties, the declaration and main- 'tenance of peace, or the declaration of war, and, 'indeed, all those relations with Foreign Powers, 'necessarily of the most delicate character, which 'are now in the hands of the Imperial Government, 'subject to its responsibility to the Imperial Parlia- 'ment. *That authority cannot be shared*, and the 'co-existence side by side with the Cabinet of the 'United Kingdom of this proposed body—it does 'not matter by what name you call it for the 'moment—clothed with the functions and the 'jurisdiction which Sir Joseph Ward proposed to 'invest it with, would, in our judgment, be abso- 'lutely fatal to our present system of responsible 'government.'[1]

Mr. Asquith's famous reply to Sir Joseph Ward.

Of all public responsibilities, that of controlling foreign affairs and of determining the issues of peace and war is at once the most delicate and the most important. Proposals to divide it, when stripped of all verbiage and stated in simple terms, stand self-condemned. Events do not always wait on decisions, and least of all in foreign affairs. There are moments when a government may decide things in one way which, failing such decision, the events of a few hours will decide in

Mr. Asquith's argument against dividing responsibility unanswerable.

[1] *Minutes of the Proceedings of the Imperial Conference of 1911*, Cd. 5745, p. 71.

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another.[1] Between two co-ordinate bodies, neither of which can act without the consent of the other, it is impossible to locate the blame for indecision, which is oftener fatal than wrong decision. The handling of foreign affairs must rest in the hands of a single ministry, which cannot hope to shift the blame of miscarriage from themselves, and that ministry must be answerable for all the communities involved by its action in peace or war. One authority must be subject to blame and also to dismissal. On the same principle, the power to dismiss the cabinet must rest with a single parliament, and therefore with a single electorate, and any body of voters which elects one parliament is one electorate. The existing system of Imperial government conforms to these principles, and no system can take its place which fails to do so. If side by side with the existing Imperial Parliament elected by the people of the British Isles there were established an Imperial Council elected by the people of all the Dominions as well as of the British Isles, theoretically the Imperial Government might consult it on foreign affairs. But, whenever the Council's views differed from those of the British Parliament, ministers would have to ignore them, because the British Parliament alone can dismiss them. Such a Council can acquire no vestige of

[1] Since these words were printed it has become apparent that the miscarriage of Allied diplomacy in the Balkans was largely due to the fact that the cabinets in London, Paris, Petrograd, and Rome were unable to make definite proposals to Balkan Powers until the terms had been settled and accepted by all four. What would the position have been if London could have agreed to nothing without the concurrence of Ottawa, Melbourne, Wellington, and Pretoria?

real control over foreign affairs, unless it assumes an exclusive control; and through it the people of the Dominions can acquire no vestige of responsibility for the issues of peace or war until each and all of them stand on exactly the same footing as the people of the British Isles.

The existing system contrary to principles of responsible government no less than that proposed by Sir Joseph Ward.

The President's argument was unanswerable. In order to dispose of Sir Joseph Ward's embarrassing motion, he had only to show that it was contrary to some essential condition of responsible government; and having shown that he stopped. There is, however, another and equally vital condition of responsible government, and he could not have developed his argument further without showing that it was violated in the very system which he had chosen to praise in his opening address. Under British institutions responsible government involves the responsibility of cabinets to parliaments, but it involves something more. Its real essence lies in the responsibility of the parliament to the people for the choice of the ministers who conduct their affairs. It is not enough that ministers should be answerable to a legislature competent to dismiss and replace them. Responsible government is only attained in so far as the legislature is answerable to all the people whose interests are handled by ministers, and is itself liable to be dismissed and replaced by their votes. The choice between this or that ministry, in fact, rests with the electorate, and the principal function of Parliament is to register that choice and not to make it. The final responsibility of ministers is to the people which elects the parliament of which they are members; and therefore the final responsibility of British

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ministers is to the people of the British Isles. In deciding whether to pursue a certain policy, or to resign and leave another set of ministers to initiate a different policy, an Imperial Government is finally determined, not by the judgment of Parliament, but by that of the British electorate. No government accepts dismissal at the hands of Parliament unless it is certain that Parliament is supported by the electorate, and, if it is in doubt, the government dissolves Parliament and appeals to the electorate, whose decision is final. In settling questions of peace and war for a quarter of the human race, the Imperial Government must *always* be responsible, as it now is, to *one* Imperial Parliament. To point this out was sufficient for the President's immediate purpose, and he refrained from adding that in settling peace and war for a quarter of the human race, including Canadians, Australians, New Zealanders, and South Africans, the Imperial Government is actually responsible to an electorate confined to the people of the British Isles. But that is the position—the whole truth which he did not state, because in doing so he must have admitted that the existing system violates not merely a necessary condition of responsible government but the first and most essential of all its conditions. His own argument was fatal to any attempt to evade this difficulty by conjuring with the word 'co-operation.' If responsibility for foreign affairs can never be shared by the Imperial Parliament with an Imperial Council sitting in London, *a fortiori* it cannot be shared with four Dominion parliaments sitting in Ottawa, Melbourne, Wellington, and Cape Town. But the fact that the electorates of those four

parliaments can be involved in war by the British electorate was one which he left in the background. For a moment Sir Joseph Ward confronted him with the point; but he dextrously parried it.[1] Yet had Sir Joseph continued to press him, the head of the Imperial Government must have admitted that by declaring war a British ministry involved the whole of the Dominions in war. He must have admitted that Dominion 'autonomy,' however 'absolute, unfettered, and complete' in local affairs, did not extend to issues of national life and death, and that ministerial responsibility to Parliament and the people in the first, last, and greatest of public interests exists only in the British Isles, and has yet to be attained by the people of the Dominions.

Reluctance of the Imperial Conference to discuss the Imperial problem.

In this conference of 'governments with governments' attempts to discuss Imperial relations in the true sense of the word have throughout been regarded as something of an indiscretion. The term 'Imperial relations' has been largely appropriated to matters which already are and always must be within the province of Dominion governments. Their control over patents, copyrights, postal arrangements, telegraphs, tariffs, shipping subsidies, and such like is 'absolute, unfettered, and complete.' A final responsibility for these matters is vested

[1] THE PRESIDENT: We cannot get a contribution to the Navy without the assent of the Dominion.

SIR JOSEPH WARD: But you can involve them in war.

THE PRESIDENT: That is another matter. I am speaking now of the naval contribution. Canada has never given us a naval contribution.

SIR JOSEPH WARD: I know that is so.

(Cd. 5745, p. 55.)

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once and for all in the national parliaments of the several Dominions. By negotiating mutual agreements their governments may be able to improve their several services and systems. All the Dominion governments are in favour of reciprocal tariffs, and between themselves some progress has been made in this direction. Yet none of them dreams that the final responsibility for fixing the tariff of a Dominion can ever be surrendered by its legislature. It is on matters already within their scope that the attention of the Dominion ministers has fastened when they meet in conference. And not unnaturally; for what they have handled for themselves they understand. In speaking of 'Imperial relations' they are usually thinking of agreements and negotiations affecting these subjects. The idea that they constitute the true subject-matter of the Imperial problem has been carefully fostered. The real problem, however, arises not from the powers already vested in Dominion governments, but from that one supreme power which has been denied to them, and remains vested solely in the Parliament responsible to the people of the British Isles. It is impossible to study the records of the Imperial Conference without perceiving an instinctive reluctance on the part of its members to broach this topic, or at any rate to have it discussed in public. In 1887 the Australian delegates were practically ordered in their instructions to avoid it, and the Imperial Government was just as anxious to do so. In 1897 and 1902 Mr. Chamberlain broached it in his inaugural speeches; but the members of the Conference insisted upon suppressing the subsequent discussions. These momentous debates were en-

veloped in the secrecy which shrouds the proceedings of the German Bundesrath and have never to this day been given to the public. But a practice so contrary to the spirit of free institutions was impossible to defend. At the opening meeting of the Conference of 1907 it was agreed by general consent to publish the subsequent discussions. In these the British Government was vigorously attacked by those of Australia and New Zealand, for its conduct of foreign affairs in the Pacific, in regions, that is to say, adjacent to these Dominions. But the reader will search the records in vain for any plain admission of the facts which lay at the root of their discontent. In discussing company law, copyright, defence, emigration, mail communications, patents, tariffs, trade marks, and so forth the equality of the Dominions with the United Kingdom, and the character of the Conference as one 'of governments with governments,' was repeatedly emphasized. In discussing foreign affairs, however, the essential inequality of the Dominions with the United Kingdom was ignored, and no one confessed that the Conference was now one of a government with its dependencies. On the one outstanding fact which dominated the whole situation there was general silence. And when, in 1911, that crucial question was raised the skill of practised debaters was used to evade the real issue rather than to face it. The futility of the discussion which followed went far to encourage the belief that the subject is one in reference to which statesmen are wise to be silent.

One other feature of this Conference of 1911 which remains to be noted is best described in

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words taken from the farewell speech with which the President closed it:

Confidential discussion of foreign affairs at the Conference of 1911.

'This is the first time—and this Conference will 'be significant in memory in that respect—when, 'in Mr. Fisher's happy phrase, the representatives 'of the Dominions have been admitted, as it were, 'into the interior, into the innermost parts of the 'Imperial household: what in the old classical 'phrase were called the *arcana Imperii* have been 'laid bare to you without any kind of reservation 'or qualification.

'You will all, I am sure, remember our meeting 'in the Committee of Defence, when Sir Edward 'Grey presented his survey of the foreign policy 'of the Empire. That is a thing which will be 'stamped upon all our recollections, and I do not 'suppose there is one of us—I speak for myself, 'as I am sure you will speak for yourselves—who 'did not feel when that exposition of our foreign 'relations had been concluded that we realized in 'a much more intimate and comprehensive sense 'than we had ever done before the international 'position and its bearings upon the problems of 'Government in the different parts of the Empire 'itself. . . .'[1]

Its effect necessarily transitory.

This meeting behind closed doors, in which for the first time the stern realities of their foreign affairs were unfolded to Dominion ministers, was not in fact arranged on the initiative of the Imperial Government. It was immediately due to pressure brought to bear on them at the time in Parliament and in the Press. The marked effect which Sir Edward Grey's frank exposition of the whole foreign

[1] Cd. 5745, p. 440.

situation as he saw it had on their minds is no secret. It is not too much to say that it changed the opinions of some, if not of all, on the policy which had led to the Japanese alliance. For the moment it had a distinct effect in unifying their views on foreign affairs. This effect, however, was necessarily limited by the fact that they could not discuss what they had heard with their own parliaments and electorates. And even so, the unifying effect was bound to be transient, for the foreign situation changes from day to day. When the war came more than three years later, the review of foreign affairs to which they had listened in 1911 was obsolete, and in two of the Dominions there were ministers in power who had not heard it and had never, indeed, attended an Imperial Conference.

Two facts brought home to the Dominions by the outbreak of war: (1) That they have no voice in the conduct of foreign affairs.

In August 1914 the Dominions were suddenly and unexpectedly involved in a war by events of which not only they but their governments knew nothing. The incapacity of the present system to inform and unify public opinion on foreign affairs in the Dominions as well as in the United Kingdom is its signal defect. For the moment this defect was neutralized by the blunders and crimes of the enemy. The Germans did what the British Government could never have done. By invading Belgium they raised one issue so clear that no one, whose mind or conscience was not perverted, could doubt for a moment where the path of duty lay, and it was followed by every party in all the Dominions, save only by a certain section in South Africa. In Canada, Australia, and New Zealand, in the dependencies of Asia and Africa, in the West Indies and the far Pacific there was but one opinion,

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because Germany had left no room for two. But even so, the Imperial Government, in spite of the earnest appeals of Russia and France, declined to commit themselves without the full knowledge and assent of the British Parliament explicitly obtained. The responsibility of the Imperial Government to the people of the British Isles was recognized to the full, for the simple reason that a Parliament representing them was there, and that ministers could speak with it face to face. To the Dominion parliaments, however, no kind of reference was attempted, and no advocate of the principle of co-operation will now suggest that it could have been made. Mr. Asquith's speech was indeed prophetic. The responsibility was one which lay on the Imperial Government and could not be shared with the governments and parliaments of the Dominions. On paper their autonomy in local affairs remained as before 'absolute, unfettered, and complete.' But in practice those affairs were all profoundly modified by the exigencies of war. Schemes of development were cancelled, projects of social reform were suspended, and the people of the Dominions suddenly discovered that the issues of peace and war are an interest which overmasters all others. They have found that until they control that interest their control of all others is purely provisional.

(2) That the management of domestic affairs ultimately depends upon the management of foreign affairs.

The storm has cleared the air of some vapours. Little is now heard of the doctrine, imported from America, that the Dominions belong to a younger and more virtuous world, redeemed from the insensate conflicts of Europe, and dedicated to the task of developing natural resources, to the struggle of man with nature, and not to the struggle of men

The people of the Dominions have, in fact, been committed to war by those of the United Kingdom.

with men. The natural consequence of that theory —the doctrine that in time of war the Dominions could remain part of the Commonwealth, and yet neutral, or even inactive—has vanished like fog before the gale. The Dominions themselves were the first to repudiate it—South Africa at the cost of a civil war. In peace these things were debated; but in war they were not debatable. We *know* now that the British Commonwealth has, and must always have, one government which can commit every one of its citizens, and therefore every part of the Commonwealth, to war. The Dominions now know that in war they are cut off from trade with the enemy, that all subjects of a hostile state within their coasts must be treated as enemies, that their ships on the high seas are subject to the Orders in Council of the Imperial Government. The legal position is perfectly and finally cleared in the light of experience. But of infinitely greater value is the light cast on the moral position. The Dominions cannot, like the United States, declare their neutrality without, like the United States, first declaring their independence. That question, however, has become irrelevant since they have discovered that they cannot even allow their own governments to remain inactive when the British Commonwealth is involved in a struggle. They cannot stand inactive, and it is not because the Imperial Government will not let them, but because they will not let themselves. In the nineteenth century it could be suggested that the Dominions would remain impassive spectators of a struggle brought about by the very cause which occasioned this war. 'Supposing, for the sake of argument, that Australia

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'were represented in the body that decided on war, 'though we may notice that war is often entered 'upon even in our own virtuous days without 'preliminary consent from Parliament, nobody 'believes that the presence of Australian repre-'sentatives in the Imperial assembly that voted 'the funds would reconcile their constituents 'at the other side of the globe to paying money 'for a war, say, for the defence of Afghanistan 'against Russia, or for the defence of Belgian 'neutrality.'[1]

Yet without such representation Australians are now paying that cost. In the crisis which preceded the war, their one anxiety was lest a government over whom they had no control might fail in its duty of defending Belgian neutrality, and might rob them of the privilege of discharging that duty for themselves. Now we can cease to theorize, because we know, as certainly as we know anything in human affairs, that the people of the self-governing Dominions will actively involve themselves in any war which threatens the existence of the British Commonwealth or cannot be evaded with honour.

The Dominions will find themselves committed to peace by ministers whom they do not control. Their vital interest in the terms of peace.

The Dominions have thus seen themselves committed to war by a Government responsible only to the people of the British Isles. And this experience is destined to be completed, for they will see themselves committed to peace by ministers who are not responsible to themselves. Formerly they might watch the occupation of Cyprus or of Egypt, the refusal to admit the French claim to Fashoda, the Japanese alliance, or the gradual development of the entente with France and Russia, as spectators

[1] Lord Morley, *Critical Miscellanies*, vol. iii. p. 315.

look upon things which do not really concern them, not realizing how their fate was involved in each and all of those steps. They must realize it now, and still more must they realize the vital interest which each and all of them have in the terms upon which the war will be brought to a close. There are interests special to the different communities. The disposal of the territories in the Pacific is of special interest to Australia and New Zealand, as is the disposal of Damaraland to South Africa. Yet, properly viewed, these local interests are entirely overshadowed by their interest in achieving a peace likely to endure. In the bed there made for them, not by their own ministers, but by those of England, they will have to lie; and whether it is made of thorns or of roses is *their* interest no less than that of the people of the British Isles. In treaties, necessarily secret while war is in progress, with France, Russia, Servia, Japan, with Italy, or with other powers who may yet be induced to support the cause of the Allies—on terms—conditions of the peace are already being settled in advance, and without consultation with Dominion governments. Their representatives will not be admitted to the conference at which that peace is finally made. The plenipotentiary who will go to it will be a minister responsible only to the people of the British Isles through the parliament they elect. Its responsibility for that minister and for his policy cannot be shared with the parliaments of the Dominions, and the responsibility of British ministers for foreign affairs cannot be shared at the conference with ministers from the Dominions. It is too late to alter that situation now. The constitution of the Common-

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wealth cannot be recast nor even considered by ministers in the throes of a struggle like this. The policy to be pursued at the peace conference must be decided by the British Government. It cannot be made to depend upon the unanimous agreement of the Dominion governments.

Utility of Imperial Conference considered as an organ through which declarations of war and peace can be discussed with Dominion governments in advance.

It is clear, then, that the war must be ended, as peace was ended, on the sole responsibility of the British Government. But still, it may be asked, is not some previous consultation between that Government and those of the Dominions possible? So far as declarations of war are concerned, the experience of July and August of 1914 shows that practically it is not; for the coming of war can never be predicted with certainty until it is imminent. With declarations of peace it is otherwise. In war it is always certain that hostilities must end. We know, as surely as we can know anything, that terms of peace will have to be settled and embodied in treaties. Those terms are 'matters which con-'cern us all' in the strictest sense, and may they not therefore become the subject 'of free counsel 'together' while war is in progress? But Dominion ministers can scarcely formulate any views worth having, until the whole situation, so far as it is known to the Minister for Foreign Affairs, has been unfolded to them. Such a private meeting as took place in 1911, when Sir Edward Grey explained to them the position as it then was, is an essential preliminary. They cannot form views without the facts upon which to base them. Here surely is a need which the Imperial Conference could satisfy. Nor was it in this case necessary to summon for the purpose such a special Conference as was

summoned in 1909. In the ordinary course the Conference was due to meet in the summer of 1915, when, as the event has proved, the making of peace was not yet in sight.

Meeting of Imperial Conference during the war cancelled with approval of all governments but that of Australia.

To this question the answer must be that all the members of the Conference but one have adopted the view that such a meeting was practically impossible. In a matter of such importance it is best to give their opinions as recorded in the official statement of the Colonial Secretary to the Imperial Parliament of April 14, 1915:

'After war had broken out His Majesty's 'Government assumed that it would not be for the 'convenience of any of the parties that the normal 'Conference should meet at its due date, which was 'May of this year; but no communications on the 'matter passed between us and the Dominion 'Governments. Early in December last I was made 'aware privately that Mr. Fisher, the Prime 'Minister of the Commonwealth of Australia, was 'in favour of the meeting of the Imperial Conference 'during and in spite of the War. I communicated 'this fact, also privately, by telegraph to the Prime 'Ministers of all the other Dominions, and they 'unanimously agreed with us that the holding of 'a normal Conference this year during hostilities 'would be difficult, if not impossible. In two cases 'at least it was said that the attendance of Ministers 'was impracticable. I then informed the Prime 'Minister of the Commonwealth that in view of the 'practical unanimity of opinion, we hoped he would 'recognize its force, and he replied that he had no 'wish to press the matter.

'A few days ago Mr. Fisher was reported in the

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'Press as saying with reference to the Imperial 'Conference:—

'"What the British Government considers to 'be the correct thing is good enough for my Govern-'ment. That is all I have to say."

'And in a private letter to me dated 15th 'February, he wrote:—"I cheerfully fall in with 'the decision not to hold the Imperial Conference 'this year, though I have not been able to convince 'myself that the reasons given for postponement 'were sufficient. However, we have a policy for 'this trouble that gets over all difficulties. When 'the King's business will not fit in with our ideas, 'we do not press them."

'An admirable example of the spirit in which 'the Dominions deal with Imperial affairs during 'the War.

'In all these communications I have referred 'only to what I have carefully called the Normal 'Conference, by which I mean a full Conference 'with all the paraphernalia of miscellaneous resolu-'tions, protracted sittings, shorthand reports and 'resulting Blue Books. This is the sort of Con-'ference which we thought unsuited to present 'conditions, but in January, when intimating its 'postponement to the various Dominions, I tele-'graphed to each of the Governors-General:—

'"Will you at the same time inform your Prime 'Minister that it is the intention of His Majesty's 'Government to consult him most fully and, if 'possible, personally, when the time arrives to 'discuss possible terms of peace."

'I need hardly add that His Majesty's Govern-'ment intend to observe the spirit as well as the

'letter of this declaration, which I believe has given 'complete satisfaction to the Governments of the 'Dominions, and I have exceeded the ordinary 'limits of an answer to a question in order that 'the position as regards the Imperial Conference 'may be as plain to the public as it is to those 'Governments.'[1]

Genuine consultation between Imperial and Dominion ministers possible only in a personal conference.

With regard to the normal Imperial Conference the Imperial Government was unquestionably right. To have thought that Dominion ministers would desire to meet in London when the Commonwealth was struggling for its very existence, in order to discuss such matters as have for the most part engaged the attention of previous Conferences, would have been an insult. Certainly the duties of ministers connected with the war are more urgent than the present need for discussing patents, copyrights, tariffs, or business arising out of any matters which lie within the exclusive competence of Dominion governments. But what of the meeting held within the closed doors of the Defence Committee? That experience, in the words of Mr. Asquith himself, had enabled not only the Dominion Prime Ministers, but even himself, to realize, 'in 'a much more intimate and comprehensive sense 'than we had ever done before, the international 'position.' A fuller knowledge of vital facts was attained, and with it a closer unity of purpose and view. And, as Mr. Asquith explained in the same

[1] Mr. Harcourt's successor at the Colonial Office, Mr. Bonar Law, has since identified himself with this pronouncement. The view that the Imperial Conference is not in practice available as a means whereby terms of peace may be discussed with Dominion governments has thus been formally adopted by leaders of both parties in the House of Commons.

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speech, this could scarcely have been done by any other method than that which had been adopted:

'I agree with Sir Joseph Ward that some of 'the most valuable, perhaps the most valuable, use to 'which we have been able to put our time has been 'in the consideration of matters which we have 'deliberately abstained from coming to any, for the 'moment, definite conclusion upon. We have 'cleared the air, we have cleared the ground, we 'have got to a better mutual understanding of our 'relative and reciprocal requirements. We see, if 'I may venture to say so, in truer perspective and 'proportion, the bulk and dominance of not a few 'of our Imperial problems, and that is a result 'which could never have been attained in any other 'way than by the assembling together of the 'responsible statesmen of the different parts of the 'Empire to hold a perfectly free interchange of 'opinion, each presenting those aspects of the case 'with which he himself, from his own local experi-'ence, was exceptionally familiar. It is the bring-'ing together into the common stock, if I may say 'so, of all these various contributory elements of 'experience and knowledge which, I think, will 'make us all go back to our various tasks better 'equipped for their performance than we could 'possibly have been if we had not met here.'[1]

Such words can only be interpreted to mean that the same results could not have been attained by correspondence, whether written or telegraphed, nor even by separate interviews by different ministers. Of course they could not, and everything which Mr. Asquith said at the Conference of

[1] Cd. 5745, p. 439.

1911 on the virtues of 'taking free counsel together 'in the matters which concern us all' remains unanswerable. If consultation is to be a reality, it is not merely with the Imperial Government, but with each other, that Dominion ministers must consult. Why else was the practice of holding Imperial Conferences initiated at all? But the duty of convening a conference at which ministers from all the Dominions are to be present of necessity rests with the President. But it is just this invitation which has never been given, never promised, and never asked for, except by the Government of Australia. Faced by a genuine crisis, he forgets to rehearse the merits of a general conference which impressed him so deeply in the calmer hours of 1911. The one vestige of a promise given is to consult the several Prime Ministers 'most fully and, *if possible*, personally, 'when the time arrives to discuss possible terms of 'peace.' A cautious proviso betrays the doubt whether nations bleeding to death will wait for him to gather his far-scattered colleagues from the ends of the earth. He sees the possibility that discussion may perhaps be confined to the cable, of all sources of misunderstanding the most fertile, and that when the matter in question is the very existence of the parties themselves. In the epitaph of this Conference will scarcely be included the praise due to him who

> 'Through the heat of conflict, keeps the law
> 'In calmness made, and sees what he foresaw.'

Yet the reasons urged against collecting Dominion ministers in London for an intimate

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discussion of the foreign situation before the terms of peace are discussed are difficult to answer. So long as the war lasts no minister, whether in England or in the Dominions, can properly spare the time. The Secretary of State for Foreign Affairs is occupied day and night, and Dominion ministers are urgently required at their posts. In the Dominions themselves these arguments were urged with force, not merely by ministers, but even by newspapers. We are not concerned, however, to weigh these objections, or to offer any opinion whether they should be overcome. From the standpoint of this inquiry it is more to the purpose to note the limits set to the usefulness of the Imperial Conference by its own members.

The limits of co-operation in government.

The whole experience is invaluable as showing where the principle of co-operation is applicable in matters of government and where it is not. As previously noted, the subjects to be handled by Imperial Conferences fall into two classes. There are first of all those in which failure to co-operate with the British Government or with each other will not lead to a dead-lock. For all such matters a final responsibility has been assumed by Dominion governments. Each, for example, can frame what tariff it likes, and its fiscal administration cannot be paralysed because the British or some other Dominion government has failed to agree to its proposals. Nevertheless, in so far as they can agree to reciprocate, their fiscal systems may be improved. And the same principle applies to copyrights, patents, posts, telegraphs, and to a number of other matters which lie within the competence of the Dominion governments. In all such matters co-

Matters within the exclusive competence of Dominion governments require and admit of co-operation, and Imperial Conferences will always be needed to secure it.

operation is not absolutely essential, but is valuable, none the less, in so far as it can be attained. And as Mr. Asquith remarked, periodic meetings at which ministers of these various governments all come together for personal conference are incomparably the best means of attaining it, and always will be. So far as matters which lie within the exclusive competence of Dominion governments are concerned there will always be room for co-operation, and Imperial Conferences will always be needed in order to attain it. Such matters, moreover, can be handled in time of peace when Conferences are possible.

Foreign affairs, which are not within their competence, do not admit of co-operation, and cannot in any real crisis be made the subject of an Imperial Conference.

There is, however, the second class of business which includes all matters directly affecting the issues of peace and war. These matters, as Mr. Asquith affirmed at this Conference, lie within the exclusive competence of the Imperial Government. The final responsibility for settling them cannot, as he said, be shared with the Dominion governments. On the other hand, by instructing his Foreign Minister to discuss them with those of the Dominions, he admitted that they concerned all the Dominions as well as the United Kingdom. The result of this Conference he declared was exceedingly satisfactory and such as 'could never 'have been attained in any other way than by the 'assembling together of the responsible statesmen 'of the different parts of the Empire to hold a 'perfectly free interchange of opinion, each 'presenting those aspects of the case with which 'he himself, from his own local experience, was 'exceptionally familiar.' He did not actually say so, but the whole tenor of his speeches suggested

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the belief that all practical difficulties could be overcome by the agency of Conferences like this. It is of crucial importance, therefore, that in the presence of a real crisis he himself should have declined to summon such a Conference on the ground that it was not practically possible, and that all the Dominion ministers but one should have endorsed his action. If experience proves anything, then, it is this—that in a real crisis of foreign affairs the Conference is not available as a means to co-operation. The responsible governments of the Commonwealth cannot consult together in the one way which is really effective. Not only must the British Government decide, but the Dominions must accept its decisions without taking counsel together in the only real sense of the word. Mr. Fisher, while differing from that view, has for the time being acquiesced in it. 'When the King's 'business will not fit in with our ideas, we do not 'press them.' But the Royal President of this Commonwealth has no business which is not that of his people. The spirit which inspired this remark at a juncture like the present is, as Mr. Harcourt remarked, admirable. But, none the less, the principle underlying it is, if established, the negation of responsible government.

How the progress of events will forbid the Dominions to evade responsibility for foreign affairs.

If, indeed, it is true that the people of the Dominions have not, despite the repeated assurances of public men, achieved self-government, it is an infinite gain that they should recognize the fact. Neither they nor the people of Britain can see their position of dependency as it is, nor call it by its real name, without also seeing that it must be changed, and without asking themselves what are the steps which

will be necessary to change it. It is idle to argue that the Dominions have done very well as they are, for the plain reason that neither they nor the world can long remain what they have been. They grew up when freedom seemed to have been firmly and finally established. They have now seen forces unloosed which have shaken it to its very foundations. Time was when their strength would have added little to the bulwarks erected against those forces. But already their numbers are equal to one-third of the British Isles. Already the child is born who will live to see Canada alone with a population larger than that of the United Kingdom. Is it seriously to be argued that the people of the Dominions, and especially those of Canada, can spend millions of money and thousands of lives in a struggle like this and yet continue to leave the issues of peace and war to ministers over whom they have no control? The particular difficulties which alienated the American colonies have been happily passed. Had the principles of responsible government been understood and applied in time, the secession of those colonies need never have taken place. But had the United States remained as one of the Dominions of the British Commonwealth, is it thinkable that those hundred millions could still be committed to peace and war by ministers responsible only to the people of the British Isles? The question admits of but one answer, and the same answer must be applied not only to Canada but to Australia, New Zealand, and South Africa. As sure as day follows the night, the time will come when they will have to assume the burden of the whole of their affairs. For men

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who are fit for it, self-government is a question not of privilege but rather of obligation. It is duty, not interest, which impels men to freedom, and duty, not interest, is the factor which turns the scale in human affairs. In peaceful and prosperous times it is all too easy for nations intent on 'the 'conquest of nature' to forget the task of controlling themselves, and to treat what is tasted, handled, or seen as the end and object of national endeavour. 'But when the whole world turns to coal' they see these things as the dust they are. They realize the nature of the quest upon which they are bent. They find that the one prize to which they are called is not ease, nor wealth, but still, as of old, the arduous grail and the ensanguined crown. For material interests are matters of change—to-day one thing, to-morrow another. They are vapours of earth, clouds that blot the eternal sky, which shift with every shifting breeze, and bring to nought those who are minded to follow their track. Above and beyond them abides the unchangeable duty of each to his kind, primal, boundless, and sure as the firmament itself. Clouds will pass but the stars remain; and whenever the heavens are swept by some mighty wind, the nations will lift their eyes to those ancient lamps and reset their course to what was, is, and shall ever be, the end towards which the whole creation moves — the government of each by each, and of all by all.

THE PROBLEM OF THE COMMONWEALTH

PART II

THE CONDITIONS OF ITS SOLUTION

CHAPTER X

CONTROL OF FOREIGN AFFAIRS BY DOMINION GOVERNMENTS

Object

UNTIL near the middle of the nineteenth century the final responsibility in all public affairs throughout the British Commonwealth was centralized in London. Since 1848 these powers, with few though important exceptions, have been transferred, one by one, to Colonial or Dominion governments. And of these powers there are three, at any rate which have never been decentralized in any other state in the world—the powers of framing tariffs, of controlling immigration, and of creating and maintaining fleets. But this process of decentralization has always stopped short of anything which clearly affected the issues of peace and war. The whole power of conducting foreign affairs has remained vested in the Government responsible to the people of the United Kingdom. In the Imperial Parliament the people of the Dominions have neither voice nor vote. They have cabinets and parliaments of their own, but no vestige of final responsibility for anything which affects the issues of peace and war has ever been acquired by them, nor can be so long as the Constitution remains as it now is. Some change must be made in it before

with the least change in their present condition.

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they can begin to control the ministers who handle their foreign affairs. The object of the present inquiry is simply to discover *the most moderate* measure of change which is necessary to effect that object.

Assumption of control through their own ministers considered. A notification to foreign powers the first necessary step.

Now clearly *the simplest* of all changes is for the governments severally controlled by the Dominion electorates to assume a final responsibility for foreign affairs, as formerly they assumed a final responsibility for all other matters of government, including tariffs, immigration, and the maintenance of fleets. Undoubtedly the simplest plan is for them to take the one remaining step necessary to complete the well-tried process. But whether this plan, for all its apparent simplicity, involves *the most moderate* measure of change must now be considered. In the case of tariffs the transfer of power was effected when the Imperial Government accepted the notification and signified its willingness to leave the Dominion government to frame what tariffs it pleased. But with final responsibility for the issues of peace and war it is otherwise. The contingency of war is not with Britain, but with foreign powers, whose governments must be told that in future Dominion ministers are finally responsible for declaring war before they can become so. As things are, foreign governments know that the Dominions are at peace with them as long as the British Government says they are at peace. And when the British Government declares war on them, then they know that they are at war with the Dominions as well. In order to change this situation foreign governments must first be told that it is changed. Responsibility for

foreign affairs is not, in fact, transferred to the Dominion government, unless foreign governments are notified that in future they are at peace with the Dominion until its own government declares war against them or they declare war against it. They must know that henceforward they are to look, not to London, but to Ottawa, Melbourne, Wellington, or Pretoria for the final declaration that a state of peace or war has ceased to exist.

An exchange of ambassadors with foreign powers must necessarily follow.

This notification to foreign powers will not, however, stand by itself, for certain consequences follow which cannot be evaded. The method by which a government transacts that kind of business which determines the issues of peace and war is prescribed by the necessities of the case, and not by custom or etiquette. If a Dominion government is to control its own relations with foreign powers, it must of necessity do so through agents of its own accredited to their capitals, and through agents of foreign governments accredited to itself. There must be an exchange of ambassadors. Clearly the ambassadors responsible to the British Government cannot take orders from those of the Dominions. At present the British Ambassador in the Mexican capital can do his best to satisfy the wishes of the Canadian Government, but in the last instance his conduct must be determined by instructions from London. The Government at Ottawa does not become responsible for Canadian relations with Mexico until it has accredited an ambassador of its own to the Government of that Republic. It must tell the Mexican Government that, in the last instance, nothing will affect its relations with Canada but what is said or done by the Canadian

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ambassador. And that being so, it follows inexorably that the British Government must also tell the Mexican Government that nothing said or done by the Canadian ambassador can affect the relations of Britain with Mexico.

Loss of their status as British citizens by the people of the Dominions the inevitable consequence.

But the consequences cannot even be stopped there. They cannot be confined to changes in the relations of governments and their agents. They affect the status of every citizen, as Canadians who owned property in Mexico would presently discover. Despoiled of their property and threatened in their persons, they would have to look to Ottawa for redress. For, when trying to protect their subjects against disorder, the British Government would be obliged to say that Canadians were no longer included in that description. It would have to declare that Canadians had ceased to be British subjects, and the Canadian Government would have to admit that declaration. These consequences are such as no human ingenuity can change or evade. For all British subjects control of their foreign relations must rest in the hands of one government only. Any section of British subjects who transfer that final authority to a government special to themselves and different from the government which decides those issues for other British subjects, in doing so renounce their status as such. To reconcile a common citizenship with allegiance to two different states is no more possible than to construct a triangle of which two sides are together less than the third.

This method, therefore, of completing the achievement of responsible government by the Dominions, so much in harmony with the process

already followed, and so simple in its inception that it needs but a few strokes of the pen, is one which involves *the least moderate* change in the condition, not only of the Dominion itself, but of all its citizens. It leads not merely to reform, but straight to disruption of the Commonwealth—to consequences of the most revolutionary kind; and that, no doubt, is the principal reason why no Dominion government has ever attempted to follow it. To argue whether they should follow it or not is beside the purpose of this inquiry. The people of the Dominions must settle that for themselves. Here we are simply concerned to discover *the most moderate* reform which will give them the same responsibility for their foreign affairs as the people of Britain, and to show that this particular method, though simple in appearance, involves revolution and not reform is enough for that purpose.

The simplest expedient, that of assuming control of foreign affairs through their own governments, involves the least moderate measure of change.

CHAPTER XI

THE BRITISH ELECTORATE. ITS EXCLUSIVE CONTROL OVER FOREIGN AFFAIRS

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How, while avoiding such consequences, can the people of the Dominions acquire no less control of foreign affairs than the people of the British Isles? Present situation of the latter considered.

We have, therefore, to look for some measure of reform which would put the people of the Dominions in the same position as those of the British Isles, without alienating them from the British Commonwealth and turning each of them into an independent republic. Let us glance at the present position of the British electorate. Unquestionably the voters can control ministers in charge of their foreign affairs. When they cease to trust them, they can dismiss them and replace them by others. The views of the electorate on these matters do in fact determine elections. In 1880 Lord Beaconsfield was dismissed from office, mainly on account of his Bulgarian and Transvaal policies. In 1885 Gladstone was forced to resign by public disapproval of his policy in the Soudan. 'It was thought that, at the General Election of '1892, many waverers had decided to vote for the 'Gladstonian candidate on reflecting that, under 'Lord Rosebery's guidance, a foreign policy of 'which they could approve would be adopted.'[1] No doubt the choice of the electorate is hampered

[1] Lord Cromer, *Abbas II.*, p. 30.

by the fact that the same government is responsible also for their social affairs. As Lord Cromer hints in this passage, an important section of voters would have liked to leave the conduct of foreign affairs in Lord Salisbury's hands. But on questions of social reform they thought Lord Salisbury too reactionary and preferred Gladstone, believing that the influence of Lord Rosebery would correct the supposed weakness of his leader in external affairs. In 1900 Unionist policy towards the Transvaal was as clearly endorsed by the electorate as it was condemned in the General Election of 1906. If after this war the old party divisions are revived, the next election is likely to turn upon foreign rather than on domestic issues. A majority, while approving Liberal policy in social affairs, might easily subordinate their views on that subject and, by reason of their dissatisfaction with the policy which led to the war, return their opponents. Conversely, the electorate, while no longer approving their Irish policy, might yet consider that it was vital to keep Sir Edward Grey in charge of the Foreign Office. The voter can, whenever he chooses, subordinate social to external questions, and in fact does so. To this extent he has achieved control of all his public affairs. But, nevertheless, that control is seriously hampered, alike in domestic and foreign affairs, by the fact that in both these different spheres it can only be exercised through one legislature and one executive. Electors are embarrassed by knowing that foreign and domestic policy are both determined by one and the same vote. Their control of public affairs is diminished thereby, just as it would be

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if the same vote had to decide the composition of town or county councils as well as of Parliament. But still, the moment that they feel that more attention is demanded by foreign than by social questions they do by their votes decide who the ministers are to be in whose hands the issues of peace and war are to rest.

British electors control foreign affairs through the British Parliament.

Subject to this practical limitation the people of the British Isles have achieved responsible government in foreign affairs because they can by their votes dismiss and replace the ministers who conduct them. They do not actually elect those ministers. But they elect the Parliament to which ministers are directly responsible; and by changing the majority in that Parliament at an election they change the ministers. Not only so, but members of Parliament are influenced in the attitude they adopt on foreign affairs by contact with their constituents and by a calculation of how they will vote at the next election. The vote of censure which presently led to Gladstone's retirement in 1885 was a case in point. They are not, and indeed cannot be, influenced appreciably by public opinion in the Dominions, because it does not affect their fate at the next election except in so far as it may influence the British electorate; and, as Washington said, 'Influence is not government.'

CHAPTER XII

THE PRACTICAL CRITERION OF SUGGESTED REFORMS

How are electors in the Dominions to be given the same rights of self-government as those in the United Kingdom without depriving them of their status as British citizens? That admittedly is the problem, and the proposals made for its solution can mostly be grouped under two different types.

Proposals for solving the problem classed.

First there are those whose authors are impressed by the fact that the executive which commits the Commonwealth as a whole to peace or war is confined to members of the British Parliament. Now in order to remedy this defect they propose to transfer this faculty of making peace and war, from which is inseparable the conduct of defence, to an executive in which Dominion as well as British representatives are to find a place. The members of this Imperial Council are to be chosen either by the Cabinets or by the Parliaments of all the self-governing Dominions, including the United Kingdom.

(1) Proposals for giving the Dominions representation on a new Imperial executive.

Secondly there are those proposals whose authors are impressed by the fact that the existing executive which commits the Commonwealth to peace or war is responsible to a legislature which,

(2) Proposals for giving the Dominions representation on the Imperial legislature.

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though called the Imperial Parliament, represents no one but the people of the British Isles. This defect they propose to remedy by opening this parliament to members elected by all the self-governing Dominions, thereby rendering it Imperial in fact as well as in name.

Practical criterion by which all such proposals must be tested.

In advancing all such proposals, volumes of argument would be saved if their authors would realize from the outset that they are dealing with a practical problem of government. At present the control of foreign affairs *is* centralized in the British Isles. There is in London a group of men who do in fact determine the issues of peace and war for upwards of four hundred and thirty millions of human beings. Each Dominion is severally free to manage and settle such matters for itself, provided that its people are willing to abandon their status as British citizens. That is a question which they can and must decide for themselves, and, judging by recent events, there is no sacrifice, whether of blood or money, which they would not incur in order to maintain their existing status and to discharge its duties. But, were all the Dominions to declare their independence, British ministers would still be responsible for the foreign affairs, not merely of the British Isles, but also for nearly a quarter of the human race. They would still be carrying the gravest responsibility which has ever rested upon human shoulders, and the British electorate, with whom it finally rests, cannot be asked to play fast and loose with it. The burden is rapidly outgrowing their strength, but the political mechanism by which they handle it is at least a genuine engine of government. The

present system will work so long as the resources of the British Isles are equal to supplying the power to carry the load. But the people of the British Isles cannot be asked to scrap this mechanism in order to join with those of the Dominions in working some new contrivance which all their experienced advisers warn them is a sham engine which can never work, however great be the power available. It is safe to say that the British electorate will never accept proposals for changing the method of conducting Imperial affairs which all those who have ever administered them agree to condemn. They would prove themselves unfit for the charge imposed upon them if they did. The task before us in this inquiry is not that of a Plato, a More, or a Harrington. We are not trying to figure an ideal republic, some Utopia or Oceana. We are dealing with stern realities, examining an actual problem of government, a defect in things as they are, which, unless it is changed in time, will lead to certain and world-wide disaster. Our business is only with changes such as we believe can really be effected. We can, therefore, reject without hesitation any proposal for reforming the existing system which all the statesmen who have worked that system would agree to condemn, and would also refuse to share in working if, contrary to their advice, it were accepted by the electorate to which they are now responsible.

How Sir Joseph Ward's proposals were brought to this test.

To this very test Sir Joseph Ward's proposals were brought. As shown above, he fell into arguing for two different and incompatible things. In one part of his speech he seemed to propose the

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transfer of Imperial affairs to a new executive and legislature responsible to the people of all the Dominions as well as of the British Isles. In another he spoke as though his new Imperial Government were for a time to exist side by side with the old one. Mr. Asquith accepted his scheme in this latter sense, and declined to consider any proposal for sharing the conduct of foreign affairs with another body. He was perfectly safe in doing so, because the leaders of the Opposition could only have given the same answer. No man of experience will ever be found to form a Cabinet responsible for the conduct of foreign affairs, if that duty is to be shared with some other and different executive, or if his tenure of office is to depend upon the vote of more than a single legislature. The responsibility for dismissing and replacing him is one which could not be shared between two authorities. The same answer would have been given by any one, Liberal or Conservative, who had ever sat in an Imperial cabinet. But if Sir Joseph had clearly proposed that the final responsibility for foreign affairs should be shared by all the Dominion electorates with that of the British Isles, Mr. Asquith could not possibly have made the answer he did. That responsibility, which originally rested with the people of England alone, was afterwards shared with those of Scotland and Ireland, and there is no inherent impossibility in sharing it with those of the Dominions. Mr. Asquith affirmed (and rightly) that responsibility for foreign affairs could not be shared between two authorities. But he would never have dared to assert that it cannot be shared by two or more peoples merged into one electorate, with one organ

of government as their general agent. He might have criticized the details of the particular scheme proposed. He might even have opposed on its merits the idea of admitting the people of the Dominions to a joint responsibility for controlling foreign affairs. Such a declaration must certainly have provoked an emphatic repudiation from the Opposition and probably from members of his own party. But neither of these things happened, because Mr. Asquith said no more than he knew that his opponents must have said of such a proposal as he was criticizing. Sir Joseph had allowed himself to be taken as meaning that two Imperial authorities were to exist side by side, that ministers in charge of foreign affairs were, for a time at any rate, to be answerable to different legislatures; and Mr. Asquith's condemnation of such a proposal went, and will always go, unchallenged.

CHAPTER XIII

PROPOSALS TO REFORM THE IMPERIAL EXECUTIVE

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Responsibility of the Imperial Cabinet to Parliament. Its real nature examined.

THE first type of proposal that we have to consider is that which would transfer the control of foreign affairs to an Imperial executive responsible, not merely to the parliament of the British Isles, but also to those of the Dominions. On the face of it such a proposal is subject to the very objection raised by Mr. Asquith against that of Sir Joseph Ward. If responsibility for foreign affairs cannot be shared between two parliaments, it cannot be shared between five. Never was an Imperial minister whose words were scanned more critically by his opponents than those of Mr. Asquith; but, as we have seen, not one of them questioned this important pronouncement. And the moment we grasp what responsibility for foreign affairs really involves we shall see why Mr. Asquith's opponents who have held Imperial office, or may expect to hold it, all left his reply unchallenged. Every one of them knew that the Cabinet which controls foreign affairs must also control naval and military forces proportioned to the facts of the situation, or, to speak more precisely, proportioned to the estimate of those facts which the Cabinet makes. Foreign affairs cannot be divorced from defence. Ministers

The financial aspect of foreign affairs and defence.

responsible for an army must sit in the same Cabinet with ministers responsible for foreign affairs. And the Foreign Secretary cannot settle his policy off his own bat. He knows, and all his predecessors know, that the line he can take in negotiating with foreign powers will depend on the state of the naval and military forces upon which he can count. It is not enough that he should know what the present strength of these forces is in relation to those of foreign powers: he must know what the relative strength will be for several years in advance. In 1909 it was not enough for Sir Edward Grey to know that for that particular year the Imperial Navy was strong enough to defend the Commonwealth and prevent its disruption. The Government of which he was a member had done its best to arrest the growth of armaments. In 1908 naval expenditure had been reduced from the figure at which it had stood three years before by 15 per cent. In the same period the naval expenditure of Germany had been raised by 50 per cent. Where England was proposing to build one battleship Germany was proposing to build three. Her allies, Austria and Italy, were also increasing their fleets. Granted the continuance of these conditions the time was at hand when the British Navy would not be a match for the fleets of the Triple Alliance. In a few years the Foreign Secretary would be faced by the alternative of yielding to any demands which Germany and her allies might make, or of sending the British fleet to certain destruction. No inner knowledge of Cabinet secrets is necessary to tell us that Sir Edward Grey must have discussed this situation with his naval and military colleagues.

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They must together have decided what additional expenditure was needed to maintain a navy so strong that the powers of the Triple Alliance would hesitate before advancing demands which they could only enforce by going to war with it. The mobility of the fleet, moreover, depended on the strength of the British Army to repel raids, a question which must also have been the subject of anxious consideration between them. These matters must have been discussed in the Committee of Imperial Defence, which exists for that purpose, and the minister responsible for the finances of the Government—the Chancellor of the Exchequer—must also have been included in those discussions. For it is he who must frame the Budget as a whole and present it to Parliament. It is he primarily who must balance against each other the demands of all the different departments, referring any point upon which he cannot get them to agree to the final decision of the Cabinet. And the Cabinet can and does decide, because any minister who will not accept its decision must resign and go out of it. We know that in 1909 Sir Edward Grey must have asked for a substantial increase in the naval vote. What he asked for we do not know, but we do know that by 1910 the naval estimates had been increased by 30 per cent.

Responsibility for foreign affairs the real consideration when Parliament considers estimates for defence.

We shall not be far wrong in saying that unless Sir Edward Grey had convinced his colleagues that this increase of naval expenditure was essential, he must have resigned. In 1910 then a Government, the most pacific which had ever held office in England, was obliged to ask Parliament to approve an expenditure in armaments heavier than any

demanded by their predecessors. Their greatest difficulty was with their own supporters. But the reasons for this change of policy which Sir Edward and his colleagues were able to give to Parliament were unanswerable. Events had proved that the hopes and beliefs with which they had assumed office some years before were misplaced. Experience, coupled with the heavy responsibility they carried, had convinced them that physical strength, as well as a good cause, was essential to the maintenance of peace, or, failing that, to the safety of the realm. The increase of expenditure they were asking for was, in their opinion, the smallest compatible with safety, and every one knew that if it were refused the Cabinet must resign, and no other Cabinet which the country would trust would assume office at a lower figure. The knowledge that they must resign was conclusive proof that ministers were sincere in the arguments they offered. Both Parliament and the electorate knew this, and, distasteful as the increase was to them, the money was voted.

Defence estimates always the minimum sum which ministers deem compatible with safety.

Ministers, being human, are liable to err in their judgment of facts. And the judgment they make is likely to differ from that made by the leaders of the opposite party because they are men of a different political temper. But of all Imperial Cabinets it may be said that the sums they put down on their estimates for defence are the smallest possible sums which, in view of the facts as they see them, are compatible with safety—that is to say, with a reasonable prospect of maintaining peace by averting attack. If Parliament will not vote that figure, ministers resign, because the

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responsibility of remaining in office without the minimum provision for defence which they deem to be adequate is one which no ministers fit for office will bear. No dignity or emolument of office will induce them to administer a policy which they think is likely to lead the whole state to destruction. They must have that minimum figure, and what is more, they must be certain of having it in time. For the cost of ships, guns, and equipment has to be met, and thousands of soldiers and sailors have to be paid day by day.

Why one executive cannot be responsible to two or more legislatures.

The passing of their estimates for defence through one parliament, of which they are not only members but actually the leaders, is the most serious of the anxieties which Imperial ministers have to face. But what would be their position if those estimates were divided into five sections, four of which had annually to be carried through four distinct legislatures of which they could not be members, which they could not lead and could never address? What are they to do if but one of those parliaments throws out but one of those sections? Are they to resign, or to remain in office? The proposal is one which destroys not merely responsible government, but government itself.

The above principles illustrated

The case is one upon which it is no longer necessary to speculate, for since Mr. Asquith made his memorable reply to Sir Joseph Ward in 1911, the principle has been put to the test of actual experience. In 1912 the Canadian Cabinet, on its own initiative, proposed that Canada should share in the rapidly increasing cost of naval defence to the extent of £7,000,000. In view of this proposal

the provision for new construction for which Imperial ministers asked the British Parliament was, as we now know, reduced. The bill for expending the £7,000,000 was actually approved by the Canadian House of Commons; but the Senate rejected it, on the ground that the matter ought first to be submitted to the people at a general election. The Canadian cabinet, however, refused to dissolve Parliament on the ground that an election had been held so lately as the previous year.

In Canada the failure of Government to pass its estimates was not referred to the electorate at all, because the Government had no real responsibility for the safety of the state.

In England or France the rejection of the estimates for defence must immediately be followed either by resignation of the Government or by dissolution of the legislature, and unless a legislature were returned prepared to support the Government, the Government would have to resign. It would have no other course. No British ministry which had declared that a certain expenditure on armaments was necessary, in order to maintain the defence and safety of the state could possibly remain in office if the electorate had finally refused to pass these estimates, and no one would trust them for a moment if they did. It would be said at once that men must be found to conduct foreign affairs who believed that they could maintain peace and safety at a lower charge or by some other means. In Canada ministers remained in office without difficulty or discredit; and there was no reason why they should not. Whatever politicians and publicists may have said of the absolute responsibility of a Dominion government to its parliament and electorate, every one knows in his heart that it is not in fact responsible for the

primary interest of peace and safety. Ministers, parliament and people knew that the maintenance of peace rested in the hands of a Government and of an electorate 8000 miles away. The really important fact is not that the cabinets and parliaments of the Dominions have no responsibility for the first of all tasks proper to civilized and self-governing communities — that of maintaining a state of peace less dangerous than war—but that the taxpayers themselves have none, and cannot, so long as the existing system remains unaltered, ever obtain it. It is not ministers nor yet parties that are in fault, but the whole political system under which they have to work.

In the upshot this contribution was never voted, and the British Parliament was called upon by Imperial ministers to pass supplementary estimates for constructing war-ships to take the place of those which they had reckoned upon Canada to provide. And had they failed to do so the peril with which the Commonwealth as a whole is now threatened would have been gravely enhanced.

Here is a contingency which has actually happened and must be expected to happen again, especially in the four parliaments which Imperial ministers could not meet and address. If one of the five parliaments fails to vote its contribution to the cost of Imperial defence, that cost would still have to be found, unless the peace and safety of the whole Commonwealth is to be jeopardized. If the other Dominion parliaments declined to assume the additional burden, it would still have to be found by the British parliament, or ministers would resign. They could not hold office unless provided

from some source or other with the minimum sum which in their opinion was necessary for the peace and security of a quarter of mankind. In actual practice no real change in the distribution of responsibility would have been made. This system would not work except upon the assumption that the final responsibility still rested with the parliament answerable to the taxpayers of the British Isles.

Such proposals, if genuine, cannot pass the practical test which they will have to meet.

The particular objection examined in this chapter is not the only feature which renders proposals of this nature unworkable. But it is of its nature so fatal to all such proposals that it is quite unnecessary to explore them further. On this ground alone Imperial ministers are certain to refuse, as Mr. Asquith refused, to recommend changes of this nature to the electorate to which they are now responsible. They could not do otherwise without proving themselves unfit for the charge which that electorate has laid upon them.

CHAPTER XIV

PROPOSALS TO REFORM THE IMPERIAL LEGISLATURE

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How the proposal to admit Dominion members to the existing Imperial Parliament will look when submitted to the same test. One ministry cannot be answerable to two different majorities and electorates.

It now remains to examine proposals of the second type, those which recognize that responsibility rests with the Imperial Parliament, and seek to overcome the difficulty by opening its ranks to representatives from all the self-governing Dominions. Let us think of such proposals as submitted to ministers who are, or who have been, in charge of Imperial affairs, of the questions which they as men of experience will have to put and of the answers that must be made to them. Inevitably they must ask whether we intend that Canadians, Australians, New Zealanders, and South Africans are to vote the revenues required for the administration of the United Kingdom, upon questions affecting its fiscal system or upon schemes such as those for insurance against old age, sickness, and unemployment which are limited in scope to the British Isles. To such an inquiry there can be but one answer. The cost of all such measures must be limited in scope to the British Isles, and Dominion members could no more vote on matters affecting purely British

taxation than the Imperial Parliament could vote on matters solely affecting the taxpayers of a Dominion. The votes of Dominion members must be confined to foreign affairs and to matters inseparable therefrom—to those common to the Dominions as well as to the British Isles. The business of Parliament must therefore be separated into two divisions, that which concerns the affairs of the British Commonwealth as a whole, and that which concerns the people of the United Kingdom. Questions affecting the first must be settled by the majority of members drawn from the Dominions as well as the United Kingdom, and those affecting the second by a majority of members returned by the United Kingdom alone. The reason for forbidding Dominion members to vote on issues which are purely British is that their votes might alter the result. In the full Parliament the majority might be one way and in the purely British section the majority might be the other way. On one and the same day the full Parliament might call upon the Government to resign, and the British section of that Parliament might call upon them to remain in office. The same might happen at present, if two votes were taken on the same day, the one on an Imperial and the other upon a domestic issue. But the Government would then dissolve Parliament and ask the electorate whether it preferred to swallow their Imperial for the sake of their social policy, or to swallow the social policy of the opposition for the sake of their Imperial policy. With a dual majority in Parliament reference to the electorate might not secure a final decision. Very likely the two different majorities would still be at

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issue, and then no ministry could be found at once capable of conducting Imperial and British affairs. Representative government consists in the power of a people through their parliament to give or withhold their assent to particular measures. But responsible government consists in their power to dismiss and replace the executive charged with the task of initiating and administering those measures. The arrangement proposed would be fatal to the principle of responsible government. It would destroy it so far as the people of the British Isles are concerned without extending it to the Dominions. Not only would responsible government be destroyed, but the scheme would lead to an absolute deadlock. The leaders of both parties who had served in the existing Imperial Government would refuse to recommend its acceptance to the British electorate, and would deserve to forfeit the confidence of all practical men if they did not.

This proposal, like Ward's, would also render one executive responsible to two different parliaments and electorates.

This plan is usually advanced as the simplest and most moderate way of solving the problem. The moderation of the proposal, however, is illusory, for in reality, it duplicates Parliament. It turns one legislature into two, the lesser of which is to deal with the Dominion affairs of the United Kingdom, and the greater with those of the British Commonwealth as a whole. So long as it assumes that one cabinet is to be responsible to both parliaments the proposal is not only retrograde but unworkable. It is subject to the same objection which Mr. Asquith made to Sir Joseph Ward. The power of dismissing and replacing ministers would be shared by two different legislatures, and

in being shared, would also be destroyed. Responsible government, without being given to the Dominions, would be taken away from the British Isles, which would lose it in domestic as well as in foreign affairs.

CHAPTER XV

THE PRIMARY CONDITION OF PRACTICAL REFORM

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The Cabinet must also be duplicated to render the plan workable. One Cabinet must be responsible to an Imperial Parliament and electorate, another to a British parliament and electorate.

In the plan for reforming the Imperial Parliament examined in the previous chapter there is, it appears, a vital defect. To cure this defect its authors must abandon their pretext of moderation. They must admit that they really propose to duplicate Parliament, and must face the consequences. They must also go on to duplicate the cabinet. If there are to be two legislatures each voting on two separate classes of business, there must also be two executives, one in charge of each class. There must be a British executive responsible to the Parliament and people of the United Kingdom for their own domestic affairs, and there must also be an Imperial executive responsible to the Parliament and people of all the Dominions, including the British Isles. And, as the principle of responsible government requires that either Parliament may be dissolved at any time, they must be elected at two separate elections. There must be an election at which the people of the British Isles, like those of the Dominions, return members who are answerable for their domestic and strictly national affairs. There must also be an election at

which they and the people of the Dominions together return members to a common parliament answerable to them all for the issues of peace and war. There must, in fact, be two separate electorates as well as two separate parliaments and cabinets. Nothing short of this change will have the effect of placing a British subject in the Dominions on the same footing as those of the United Kingdom in respect of foreign as well as of domestic affairs. Nothing short of it will enable responsible government to be realized without disrupting the Commonwealth.

Nothing more moderate would pass the test proposed.

Is this change, however, one which all ministers who have ever held Imperial office will accept? We are not entitled to say so, and indeed it is difficult to think of any proposal for change in the existing constitution which all leaders in all the parties in the existing Imperial Parliament would agree to adopt. It is not the purpose of this inquiry to find such proposals. We are here merely concerned to eliminate plans which all responsible statesmen in all parties would clearly refuse to consider. We say that for practical purposes the serious discussion of such plans is waste of time. But no one will dare to say that all leaders of all parties will refuse to consider any proposal for separating the domestic affairs of the United Kingdom from those of the Empire at large and for assigning each of them to separate cabinets and legislatures. Such a plan can count upon thoughtful consideration by men who have actually administered Imperial affairs. Drastic as the change seems it is not so drastic a change as the disruption of the Commonwealth, and when it

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is realized that those are the real alternatives, some leaders, not in one party only, but perhaps in all, would be found to support it. There is no one who would venture to reject it as Mr. Asquith, of all political leaders the most careful in his utterances, rejected Sir Joseph Ward's proposal as now and always unthinkable.

Imperial and Dominion affairs must be separated no less clearly than Dominion and Provincial affairs have been. To effect this Imperial affairs must be specified.

The crux of the problem lies in the fact that the conduct of foreign affairs for the whole British Commonwealth and the conduct of domestic affairs for the British Isles is entrusted to one and the same authority. These two great departments of business, the one affecting the whole Commonwealth, the other a small part of it, are not merely distinguishable in theory, but can also be separated in practice, and no proposal will touch the fringe of the problem which does not assign each of them to cabinets and parliaments as distinct from each other as are those at Ottawa from those at Quebec. The United Kingdom must have a national government of its own, the counterpart of the national governments of Canada, Australia, New Zealand, and South Africa. The Imperial Government must have no more to do with exclusively British affairs than it now has with the national affairs of the several Dominions. And it is quite unnecessary to specify what those affairs are. The powers of a Dominion parliament cover the whole field of government with the exception of those few but all-important powers which have remained centralized in the Imperial Government at Westminster. The problem before us is to enumerate those functions which experience has proved to be common to all British subjects through-

out the Commonwealth, and which should therefore be reserved to a Parliament answerable to British subjects in all the communities which have proved themselves fit for the task of self-government.

CHAPTER XVI

THE INTER-RELATION OF FOREIGN AFFAIRS, DEFENCE, AND FINANCE

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Imperial Cabinet must include Foreign Secretary, First Lord of the Admiralty, War Secretary, and an Imperial Minister of Finance.

As seen already the existing Imperial Government commits the entire Commonwealth, including the self-governing Dominions, to peace or war. This function, if any, will have to be reserved to the Imperial Parliament. In plain words, the Secretary of State for Foreign Affairs must be made responsible to it and not to the new Dominion parliament charged with the control of exclusively British affairs. As shown, however, in Chapter XIII. he cannot possibly conduct his business except in conjunction with the ministers responsible for the Imperial navy and army, and for finding the money necessary to finance those various departments. We are absolutely safe in assuming that no cabinet will ever be formed for the conduct of Imperial affairs which does not include the First Lord of the Admiralty, the Secretary of State for War, and an Imperial Minister of Finance, as well as the Foreign Secretary.

And must have powers of raising revenue which are no less effective than at present.

The proposal must now be considered as submitted to the criticism of all living ministers who have filled those offices. And of this we can be sure that each and all of them will insist that the cabinet responsible for foreign affairs must exercise a control of Imperial forces at least as great as the control which the cabinet at present responsible

for foreign affairs exercises to-day. They will have to insist, therefore, that the new system must be one in which ministers responsible for the issues of peace and war can tell Parliament what is the smallest expenditure on defence which in their opinion will justify their retaining office. And Parliament having voted that estimate, the money must in fact as well as in law be rendered available forthwith. In this respect the Imperial Parliament must always enjoy powers no less than those of the existing Imperial Parliament, and to understand the importance of this power in time of peace we have only to think of what happens in time of war. At this moment the safety of the Commonwealth depends, not primarily on the taxes which the Government can raise while hostilities are in progress, but, to a far higher degree, upon money borrowed in anticipation of revenues which the Imperial Government will have to collect in years to come. The confidence of lenders in its future power to raise thousands of millions, in order to meet its liabilities to them, will determine more than any other factor whether this war can be carried to a successful issue. Were any doubt to exist as to the future powers of the Imperial Government to impose taxes and collect them from the taxpayers themselves by the legal process of distraint, that confidence would be fatally undermined.

This power effective only because it enables ministers to distrain on the property of individual taxpayers.

Now, as things are, the vote of the Imperial Parliament is really effective, because it gives ministers a legal power to distrain on the property of individual taxpayers in the British Isles for the revenues voted for their use. Government can go

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to the courts and obtain an execution which enables them to appropriate the goods of the taxpayer and sell them, until a sum sufficient to meet his liabilities has been realized. In the customs and excise the process is automatic, for Government holds the goods in bond and will not release them until the duties are paid. The proportion of the whole public revenue raised by distraint is, in fact, almost negligible. Because the power is there in reserve, it is seldom necessary to use it. Yet without this power in reserve no system of taxation would ever be operative.

British taxpayers solely liable for furnishing any balance of power required for safety over and above the provision volunteered by Dominions.

In recent years this burden on the British taxpayer has been, to some slight extent, relieved by provision for defence voluntarily made by Dominion parliaments. The ships they voted have been represented as 'an additional security' to the Empire, and some pretence has been made that they would not be regarded by the Imperial Government as justifying them in reducing the naval estimates they would otherwise have framed. The theory, however, will not bear the test of examination. In the struggles over estimates within the Cabinet the value of ships and troops actually provided by Dominions is inevitably taken into account by the ministers responsible for Imperial defence in arriving at the smallest demand on the British taxpayers which will reconcile them to remaining in office. The supplementary estimates which were introduced by Mr. Churchill in the Imperial Parliament when the Senate rejected the naval proposals of the Canadian Government are conclusive evidence of the fact. No other course would, indeed, be justifiable. Imperial

ministers ought to take into account armaments voluntarily provided by Dominions for what they are worth, and unquestionably do so. The essence of the existing situation, however, is this. Imperial ministers can always come upon the British taxpayers to provide whatever margin of safety has not been provided by voluntary action on the part of the Dominions. It is this feature and this alone which renders the existing system workable. The Dominions can provide what they like and, having made their contribution to the common defence, British taxpayers *must* provide the balance necessary for safety. The ministers responsible for foreign affairs can refuse to remain in office, and will certainly do so, unless that balance is voted by the British Parliament. That vote having been passed they can get the money by distraint on the British taxpayer. They cannot, by threats of resignation, secure votes from Dominion parliaments enabling them to distrain on Dominion taxpayers.

Ministers must retain their existing power of distraint on British taxpayers.

We are absolutely safe in assuming that ministers who have held Imperial office, whatever their party, will never agree to forgo this power of distraining on British taxpayers for monies voted by Parliament as necessary to maintain the margin of safety. Any new system proposed must at least preserve to them that power. They cannot do with less.

They must, therefore, also acquire the power of distraint on Dominion taxpayers.

But the new Parliament which we are considering is to represent Dominion taxpayers no less than those of the British Isles. If its votes continue to bind the latter, they must also be made to bind the former. A Parliament including Dominion members cannot enact laws binding on the people of the British Isles which are not equally

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binding on the Dominions. No British minister would advise his electorate to accept such proposals, and no Dominion minister would think of making them. We are driven, therefore, by an inexorable chain of reasoning to the conclusion that British citizens in the Dominions cannot secure control of foreign affairs, and achieve responsible government, except by a change which renders Dominion taxpayers liable to distraint by ministers in charge of Imperial affairs for monies voted by the Imperial Parliament. No juggling with constitutional terms will help us to evade that conclusion. The moment responsible and experienced ministers are asked to consider proposals for an actual change in the system, they will, without exception, be forced to make that condition. Not one of them will consider a system which will not enable them to frame a budget, submit it to Parliament, and obtain the cash, if necessary by a process of execution against the taxpayers legally liable for supplying it.

The Chancellor of the Exchequer as much concerned with the social and economic conditions of the British Isles as with raising the revenue required for Imperial purposes.

It looks, then, as though the Chancellor of the Exchequer (as the Minister of Finance is now called) as well as the Foreign Secretary, the First Lord of the Admiralty and the War Minister would have to be included in the Imperial Cabinet. The recent tenant of that office, however, would have difficulties to raise. Three-fourths of his time at least, he will say, was devoted to the social affairs of the British Isles. The measures which emanate from the Treasury affect the social condition of the United Kingdom more directly than those of the Home Office, Local Government Board, or of any other department. To him per-

sonally it fell to collect more revenue than to any of his predecessors, and he will not shrink from admitting that the increase could have been raised more easily by a general tariff. More novel and difficult methods had been chosen by Mr. Lloyd George in the belief that the social and economic conditions of the British Isles would be prejudiced by additional taxes on imports. His predecessor would frankly contest this view. Mr. Chamberlain would urge that resort should have been had to this source of revenue, not merely in order to raise funds necessary to balance expenditure, but also because, in his opinion, the social and economic conditions of the people would benefit thereby. On such matters the views of Mr. Lloyd George and Mr. Austen Chamberlain would be poles asunder. But on one point, at any rate, they would agree, namely, that the social and economic conditions of a people are vitally affected by the character of their tariffs. And this, in some measure, is true of all laws affecting taxation. Taxes levied on beer created in England a taste for spirits which is the greatest obstacle to temperance reform. Whether the land is to be held by many, by few, or by the State is largely a question of how far taxation is levied on ownership. Whether the land is to be cultivated or grazed, how many of the people are to live in the country and how many in towns, what is to be the nature of the various industries they follow, and how wealth is to be distributed amongst them, is primarily, so far as Government is concerned, a question of taxation. Where direct taxation is emphasized, the social structure will develop in one way; whereas, if the emphasis is laid on customs,

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the structure will begin to develop in another way. The Chancellors of the Exchequer, past and present, will agree that while it is their business to find the revenues required for the public service, it is equally their business to consider the effect which their method of raising it will have on the life and character of the people. They will agree that in settling the incidence of taxation the Treasury has at least as much to do with moulding the social and domestic life of the nation as the Home Office, the Local Government Board, or the Departments of Education. We shall have to consider, then, whether we mean the Imperial authority to share this power with the Dominion government which we propose to establish for the express purpose of controlling the social life of the British Isles.

The Imperial Parliament cannot decide the incidence of taxation without trenching upon the existing power of the Dominion governments to control their social affairs.

These pertinent questions will remind us of the fact that it is just because the Dominion parliaments have acquired an exclusive control of the incidence of taxation, and especially of tariffs, that they have really achieved the control of national and domestic affairs which they now enjoy. If once they surrendered their present control of tariffs, their power to mould the social life of the nation in accordance with its own experience and instincts would be crippled. An Imperial Government, however representative, which settled tariffs throughout the Commonwealth, would be going beyond the sphere of foreign affairs and trenching upon that of national and domestic governments. Members from Canada, Australia, South Africa, and the British Isles would then be deciding how life in New Zealand is to be led. The existing power of the New Zealand Government to control that

issue would be largely paralysed by the action of a Parliament the majority of whose members know nothing at first hand of the social conditions peculiar to New Zealand. Throughout the self-governing Dominions two authorities would be disputing the same field of government and applying to one set of social conditions treatment which would often be calculated to produce directly opposite effects. To South Africans, when framing their Constitution, Sir Wilfrid Laurier, drawing on the depths of his own unequalled experience, had but one warning to offer: 'Avoid the pitfalls of concurrent jurisdiction.' A system under which one general Parliament determined the tariffs of Canada, Australia, New Zealand, South Africa, and the United Kingdom, would have plunged straight into that very pitfall.

Why the central authority in the British Commonwealth cannot, as in other federations, be allowed to share in the control of national and domestic affairs.

It is in order to minimize this evil of concurrent jurisdictions that the authors of federal systems have endeavoured to divide the sources of taxation, assigning one set of sources to the *States* or provinces, and reserving the other to the federal authority. Custom duties have always been reserved to the latter, and this, in previous cases, like those of the United States, Germany, Switzerland, Canada, and Australia, was essential, because the division to be made was always between national and provincial governments. The Government at Washington, though responsible for foreign affairs, must control the social condition of American society in its larger aspects. And so must the Government at Ottawa, although it is not responsible for foreign affairs. The British Commonwealth, as it now exists, is a definite step beyond

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the point reached in the history of social organization by the United States. That great Republic was the first national state so wide that a large proportion of social affairs had to be entrusted to provincial democracies. The British Commonwealth is the first state so wide that all social affairs have to be entrusted to national democracies. As the American Commonwealth was a state large enough to include provinces, so the British Commonwealth is a state so much larger that it contains nations, those nations themselves including provinces. Its central Government must be restricted to foreign affairs and matters inseparable therefrom. The control of social affairs in their widest aspect must be left to the national Governments, yet cannot be so left unless they continue, without let or hindrance, to control tariffs within their several jurisdictions.

CHAPTER XVII

THE INCIDENCE OF IMPERIAL TAXATION AS BETWEEN ONE DOMINION AND ANOTHER

PROPOSALS for changing the present Constitution must thus conform to two opposite conditions, to one of them absolutely, to the other so far as is possible.

The two financial conditions of reform.

On the one hand, such proposals must secure to the reformed Imperial Government the power it now has of raising all the revenue required for Imperial purposes, and therefore of distraining upon individual taxpayers for the revenues voted by the Imperial Parliament.

On the other hand, such proposals must interfere as little as possible with the power of parliaments responsible to the several Dominions of determining the incidence of taxation between man and man, each within their several jurisdictions.

Position in the year 1913-1914 considered.

In considering how far it is possible to reconcile these two opposite conditions, our safest course will be to ask ourselves first of all what it is that we need to do in order to extend responsibility for peace and war to the people of the Dominions, and then confine ourselves strictly to doing that and nothing more. Let us glance, therefore, at the position as it must have presented itself to

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Imperial ministers, when framing their estimates for 1913–14, the last financial year completed before the outbreak of war. The attitude of Germany and Austria imposed upon British ministers the necessity of supporting France and Russia against their threatened encroachments. In pursuit of this policy ministers had to decide what forces were necessary in order to render it effective; and in doing so they must have taken account not merely of armaments provided by the Imperial Parliament, but also of those actually provided by the Dominion parliaments, whether by way of monetary contribution, or of local navies and armies. Now in that year the following sums were devoted to defence by the various Dominions:

Canada	£2,703,603
Australia	4,081,589
New Zealand . . .	765,324
South Africa	1,345,031

Holding in mind this voluntary provision, Imperial ministers had then to decide what expenditure the people of the British Isles must make with a view to preventing war, or failing that, in order to ensure the safety and integrity of the Commonwealth as a whole. The figure at which they fixed it was £72,346,277. The burden of defence was thus in the period immediately preceding the war, distributed between the taxpayers of the various Dominions of the British Isles, as follows:

TABLE I

	Defence Expenditure for 1913–1914.	Population.	Amount expended per Head of the Population.
Canada . .	£2,703,603	7,300,000	£0 7 4·9
Australia . .	4,081,589	4,500,000	0 18 1·7
New Zealand .	765,324	1,100,000	0 13 10·8
South Africa .	1,345,031	6,000,000	0 4 5·6
United Kingdom	72,346,277	45,500,000	1 11 9·6
	£81,241,824	64,400,000	£1 5 2·7

Present value of local armaments in the scheme of Imperial defence.

Now under the new system we are considering, the Dominions (within the meaning of which term the United Kingdom will then be included) will still be free to maintain whatever forces they choose for the purpose of local defence. No thoughtful person will think of suggesting that Dominion governments should be deprived of their existing power of organizing forces of their own. The final responsibility for defending the Commonwealth, always and everywhere, must rest as now with undivided weight on a single government, and that must be the government answerable for foreign affairs. The Imperial Government must be looked upon as no less responsible for defending the coasts of Australia and New Zealand than those of the British Isles. The whole conception which distinguishes local from Imperial defence is a false one, and the line which divides the one from the other cannot in practice be drawn whether in naval or military affairs. The existing Imperial Government is responsible for protecting the trade routes to Australia and its coasts from invasion;

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and, were Australia invaded, it would be its duty to find troops and send them to crush the invader. Its responsibility is limited only by its physical power to affect these objects in and for each and all of the widely scattered territories of which the Commonwealth is made up. Financially, those resources are now limited to the taxes it can raise from the British Isles; so it looks with eagerness to see what armaments the Dominions will organize for themselves, of their own free will. Such armaments are auxiliary to the capital forces which the Imperial Government provides; and, as we have seen, that Government in framing its estimates values those armaments, not at the money which is spent on them, but at their value for Imperial defence, and reduces its own estimates accordingly. Australia for instance might choose to pay their men at double the rates paid to English troops; but the value of Australian troops would not be doubled thereby. The parity of Dominion armaments with those of the Imperial Government, whether in respect of *matériel*, equipment, or organization, the extent to which they are to be subject to Imperial control in time of war, and their general efficiency, are all factors of which account must be taken. Variations adopted by Dominion governments may improve their armaments for the purpose of local defence and yet diminish their value as an item in the whole scheme of Imperial defence. Yet subject to all these considerations Dominion armaments have a definite value in that scheme. It is obvious that had the Dominions organized no armaments at all, the Imperial Government would have been obliged to spend more than it has spent

already in defending the Commonwealth as a whole. These auxiliary forces have been taken at their value for Imperial defence, and the Imperial estimates have represented the additional expenditure which in the opinion of the naval and military authorities in London was necessary for the common safety.

Some Dominion forces will always be necessary and will always be valuable for the purposes of Imperial defence

To a certain extent this will always be so. It has been said that no line can be drawn between local and Imperial defence. But forces are needed for purposes other than defence. No government, responsible for domestic affairs, can discharge that responsibility without police, nor without military forces behind the police; for the maintenance of order is the first and most important of all the domestic functions which it has to fulfil. Even an American *State* has such forces, which have often been employed by the governor for the purpose of restoring order. Recent experiences in South Africa have demonstrated the need of Dominion forces, whether for the suppression of native, industrial, or agrarian risings. But the moment war impends, such forces have a certain value, not merely for the purpose of local defence, but also for Imperial defence; for the two are inseparable from each other. South African soldiers who were called up first to suppress disorders in Johannesburg, afterwards to stamp out the rebellion, and then to conquer Damaraland, are now being sent to fight the battles of the Commonwealth in East Africa and Europe. No better illustration can be chosen to show how impossible it is to draw a hard and fast line between forces maintained as a guarantee of domestic order, as a means of local

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defence against invasion, and as a factor in the whole scheme of Imperial defence.

That value should be recognized by Imperial subsidies.

We are thus confronted by the fact that although the Imperial Government responsible for foreign affairs must assume responsibility from first to last for the defence of every part of the Commonwealth, the Dominion governments must always maintain armaments of their own if only as a guarantee of internal order within their own limits. Those armaments will have a value as a factor in any system of defence against foreign aggression, and it is in the general interest that that value should be high rather than low. If, in distributing the cost of Imperial defence, no account were taken of this value, each Dominion government would have an interest in spending as little as possible on citizen forces. There would be a premium on reducing their strength and efficiency. They might even be allowed to fall beneath the point necessary for maintaining internal order. No one can deny that, previous to the establishment of the Union, South African governments would have maintained larger forces of their own but for the feeling that, in the last resort, Imperial troops were available to suppress native risings.

An imaginary list of subsidies.

Supposing that such a system of government as we are here considering were in operation, the value of local forces for Imperial defence should clearly be recognized in the form of subsidies paid from Imperial revenues. For the purpose of this argument it will be useful to have before us a purely imaginary list of such subsidies. Now assume that in one particular year the Imperial Parliament had voted estimates of £81,241,824

for Imperial defence, those estimates might include a sum of £8,895,547 to be paid over to Dominion governments in aid of forces primarily organized as a guarantee of internal order and for the purpose of local defence. This £8,895,547 would represent the additional sum which the Imperial Government would have had to have spent on its own army and navy if no forces whatever were maintained by Dominion governments over and above the civil police. To the estimates would be attached a schedule showing how that money was to be apportioned amongst the various Dominion governments. The amount paid to each would, of course, be proportioned, say on the pound for pound principle, to the amount which each Dominion was prepared to spend on its own forces. The schedule in question might appear as follows:

TABLE II

SUBSIDIES PAYABLE TO EACH DOMINION IN AID OF LOCAL FORCES

Canada	£1,000,000
Australia	3,000,000
New Zealand	500,000
South Africa	1,000,000
United Kingdom	3,395,547
Total	£8,895,547

NOTE.—This imaginary list of subsidies is based on the idea that Australia and New Zealand, owing to their isolated positions, might feel disposed, as at present, to maintain larger forces for local defence than would Canada. South Africa would always require large forces for the maintenance of internal order owing to the native population.

The Imperial Government would thus have to raise for the defence of the Commonwealth the sum of £81,241,824. Now let us suppose for a

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Proposal to distribute the cost of Imperial defence amongst all the Dominions in proportion to their several populations.

moment that the Imperial Government, as it now is, had to raise this amount from the taxpayers of the British Isles. In order to levy this amount the present Imperial Government would have to tax the people of the British Isles at the rate of more than 36s. per head. But a tax as heavy as this could not possibly be paid by every man, woman, and child. In their capacity as an Imperial Government responsible for foreign affairs, ministers would be merely interested in obtaining cash to the full amount. Acting, however, as the domestic government of the United Kingdom, they would have to distribute the burden between rich and poor in proportion to the ability of each to pay it, so far as they were able to gauge that factor. And in framing the estimates of taxation with that purpose in view they would be bound to consider the effect it would have on the social condition of the people. Now a genuine Imperial Government, one, that is to say, responsible to the people of all the self-governing Dominions, with no responsibility whatever for the social conditions of the British Isles, would be interested solely with obtaining the total sum of £81,241,824. It would not be concerned with the effect which the distribution of this burden between one class and another would have, either in the British Isles or in any of the other Dominions. It is the Dominion government in each of those countries which should, so far as is possible, control the social results of whatever taxation is imposed. It is the Dominion government, therefore, which should, so far as possible, decide the character of taxation from which this Imperial expenditure is to be met. On the other

hand, this total of £81,241,824 could not, as at present, be saddled on the people of the United Kingdom alone. It must be apportioned on some recognized principle amongst the taxpayers of all the Dominions which it represents. At present the common burden is distributed on no principle at all, with the result shown in Table I. The whole system is flagrantly unjust. But greater even than the injustice in which it results is the danger of limiting the final responsibility for the safety of the Commonwealth, which includes upwards of four hundred and thirty millions of souls, to the forty-five million taxpayers of the British Isles—to scarcely more than one-tenth of the whole body of citizens. Clearly it would be juster and therefore less dangerous if all the Dominions contributed to the common defence at the same average rate of £1 : 5 : 2·7 per head. It would be much fairer, in fact, if the total sum of £81,241,824, which in the supposed case represents the cost in one financial year of insuring the safety of the Commonwealth as a whole, were distributed amongst the Dominions in proportion to their several populations. Treated in this way the distribution will appear as follows:

[TABLE

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TABLE III

	Population.	Proportion of Total Population.	Total Expenditure on Defence.	Defence Expenditure distributed in proportion to Population.
Canada . .	7,300,000	11·3 %		£9,180,326
Australia . .	4,500,000	7 %		5,686,928
New Zealand .	1,100,000	1·7 %	£81,241,824	1,381,111
South Africa .	6,000,000	9·3 %		7,555,490
United Kingdom	45,500,000	70·7 %		57,437,969
	64,400,000	100 %		£81,241,824

Defect in this plan.

If the total burden of defence, Imperial and local, were thus spread over all the Dominions as well as the United Kingdom, at a uniform rate per head, the injustice inflicted by the present system would be greatly reduced. Absolute fairness cannot be claimed for this or any other scheme for distributing the burden of public expenditure. No practical reformer hopes for a scheme of taxation which is perfectly just. Rather he looks for the fairest scheme which is really workable. Now the principle of apportioning Imperial taxation to each Dominion in proportion to its population is simplicity itself. The estimates and census supply the necessary figures and the rest is merely a question of arithmetic. The question remains, however, whether in this scheme there is no injustice which might be removed without rendering the system unworkable, and one has but to glance at the last table to discover an injustice which leaps to the eye. A tax levied at the rate of £1 : 5 : 2·7 a head could easily be borne in Australia, in the United Kingdom, in Canada, or in New Zealand,

but would fall with oppressive weight on the people of South Africa. And the reason is plain. Nearly all the people in these other communities are Europeans. In South Africa four out of every five of the people are Kaffirs living in a state of savagery. Five or six Kaffirs can live on the income required to support a single white. But this is not all. The presence of a coloured proletariat in a country invariably means great poverty amongst those classes of whites who are suited only for manual labour. In South Africa a large number of Europeans are living in a state of indigence without example in Canada, Australia, or New Zealand. Even on the white population alone, a contribution of £1 : 5 : 2·7 a head would weigh more heavily than in other Dominions. When account is taken in South Africa of indigent whites as well as of natives, the average individual income may not perhaps exceed one-fifth of that in the other self-governing parts of the Commonwealth. If Canada, Australia, New Zealand, and the United Kingdom are to be rated at £1 : 5 : 2·7 a head, it may not be just to rate the South African population at more than 5s. a head. Calculated upon this basis the South African quota due to Imperial expenses would have to be reduced to say £1,511,098, and those of the other Dominions would have to be raised accordingly.

A scientific attempt to gauge the relative capacity of South Africans to bear taxation will yield a fairer result than guesswork.

Every one will agree that, in distributing the burden of Imperial taxation at so much a head, the proportion assigned to South Africa would have to be reduced in view of the backward condition at any rate of the Kaffirs, who constitute the larger element in its population. It has been suggested

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that the average wealth of all the inhabitants of South Africa may not be more than one-fifth of the average wealth in the other self-governing communities of the Commonwealth. This, however, is guesswork, and, even so, the proportion will change as social conditions in the Union are improved. But why leave the matter to guesswork? Are we really to assume that, by careful inquiry, men practised in the work of assessing incomes for the purpose of taxation cannot arrive at a juster estimate? We are not suggesting that experts could compare with perfect accuracy the incomes of people in South Africa and in the other Dominions. No more do we say that any government in the world arrives at an accurate assessment of individual incomes for the purpose of taxation. Governments are content with measuring the comparative ability of various classes to bear taxation as well as they can, and divide the public burdens accordingly. A perfectly accurate assessment is never attained; for 'government is a rough business' and always must be. But the general result is much fairer than if the incomes of all the taxpayers were taken as equal and the public burdens were raised by a poll-tax. Suppose that in England all taxation, Imperial, national, and local, were levied at the rate of £5 a head on man, woman, and child, the poor would be crushed out of existence, while, for the moment, the rich would scarcely feel the burden. They would feel it presently, however, when society collapsed and rich and poor were together plunged into ruin. Any system of taxation is dangerous in direct proportion to its injustice. The government, therefore, measures the taxable capacity of classes

and individuals as well as it can, and, by the aid of expert investigators, arrives at a system of apportionment, which, though full of defects, and teeming with hard cases, is, nevertheless, more just, safe, and practicable than a crude equality based upon guess-work.

Such an estimate would naturally be made by a joint commission of assessors.

Let us suppose, then, that the undoubted claim of South Africa to be assessed more lightly than the other Dominions be dealt with, not on a basis of guess-work, but rather in the light of facts methodically measured. The question of apportionment is one to be settled between the several Dominions, and the natural way is for each community to appoint one assessor, an expert practised in the work of estimating the capacity of various classes to bear taxation. The governments of South Africa, Canada, Australia, New Zealand, and the United Kingdom can each appoint one, and those five assessors will then be called upon to declare from time to time what in their opinion is the average capacity of each South African to bear taxation as compared with those in the other Dominions.

The average income in each Dominion, as well as in South Africa, would have to be estimated. Procedure to be followed in doing this.

In order to accomplish their task, the assessors must endeavour to estimate the average income, not only in South Africa, but also in Canada, Australia, New Zealand, and the United Kingdom. So far we have assumed that the income in each of these white communities may be taken as equal. But what right have we to assume it? Obviously they are all much richer per head than South Africa. There is nothing however to show that the real value of the average income in each of them is and will always remain exactly the same. It would be

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strange if, in countries so remote from each other, and with economic and social systems so widely different, the average wealth of each were the same, or were likely to remain so. The assessors will be driven to declare that, in their opinion, the taxable capacity of the average citizen in each of these countries differs, and that the difference may be represented by a certain ratio; and will any one venture to assert that his own guess-work comes nearer the truth than their skilled and patient investigation? There will be no question of hurry. They can take five years in making their assessment, and then take another five in making the next one. They can be given power to call for any returns they please, whether of wages paid, of professional incomes earned or of dividends declared. The results can be checked by the value of estates, which have to be assessed every time they pass on the death of an owner to his heirs. The real purchasing value of money in each community can be ascertained, and the results corrected accordingly. A provisional assessment can be framed and submitted to all the Dominion governments together with the data upon which it is based. Their arguments can be heard and weighed by the assessors in open court; and then the final assessment can be declared and remain in force for five or for any other period of years which may be fixed. Meanwhile the assessors can be engaged upon the task of framing a new one.

The case for leaving the whole question of taxable capacity to a permanent judicial commission.

In these remarks it is not suggested that an estimate of the average income available to each individual man, woman, or child, civilized or savage, is a perfect criterion of average capacity to bear

taxation, even when measured, not in terms of coin, but in terms of the goods which coin will purchase. Economists may be able to suggest other factors which ought to be considered. The point is that the best estimate of average income which human skill can frame will offer a fairer criterion of capacity to bear taxation than if it is assumed that the capacity of an average man in one Dominion is equal to the capacity of an average man in every other Dominion. Such a system of distribution as that here proposed will be fairer than the crude basis of population, just as distribution according to population would be fairer than the existing system which leaves four out of the five communities concerned to do what they like, while imposing on the fifth the whole burden of meeting the margin needed for safety. That is all that is claimed for this proposal. And if there are other factors than income, why not leave the assessors to measure them, if and so far as they can, provided that their data are all submitted to the governments of the various Dominions for criticism, and provided that before the final award is given, the case put forward by each Dominion is heard in open court? If the duty of measuring average capacity to bear taxation is frankly imposed upon the assessors, the principles upon which an assessment can be made will be worked out and continuously perfected in course of years, as the principles of compensation to expropriated owners have been in courts of arbitration.

Nothing is easier than for experts to suggest difficulties in the way of assessing the value of the average incomes earned in each Dominion, which

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The difficulties perhaps no greater than those encountered when the state expropriates public undertakings.

to the lay mind may seem insuperable. A case of this kind, which is equally effective, can be made against proposals to value the property of water-companies, tramways, and other undertakings for the purpose of expropriation. But these things have to be done. Society cannot escape doing them, unless it is to come to a standstill. Such questions *are*, in fact, submitted to arbitrators who *do* succeed in making awards. They do not satisfy all the claimants. They would not themselves maintain that the results they reach are ideally just. But they do get the question submitted to them settled on lines far nearer to ideal justice than if legislators guessed what compensation should be paid to shareholders in such undertakings, and put their guess into a schedule attached to the Act of Parliament authorizing the expropriation. In determining the relative share in the cost of their common defence which would fall upon each Dominion, the same principle should be followed. The matter should not be left to guess-work until all the measurable factors have been measured by those best qualified to measure them. This is all which any system of taxation, or indeed any system for the practical administration of justice, can hope to effect. At present the share borne by each self-governing community is a question of chance. A simple apportionment per head would be less unjust. But a much fairer result can be made by submitting the matter to arbitration from time to time. The object to be kept in sight is not the attainment of a perfect system of assessment, but merely the attainment of the best system which is practicable. Imperial expenses can only be

apportioned between the Dominions in one of three ways. The apportionment might be settled in the constitution once for all, that is to say, on a basis of population. It might be readjusted from time to time by the Imperial Parliament, or by some other political body such as a convention periodically summoned for the purpose. The third alternative is that it should be settled from time to time by arbitration.

A practical example of this method.

Obviously this third alternative is the right one if it is practicable. The conclusion to which we are led must, therefore, hinge on the purely practical question whether or no it is possible to determine with approximate accuracy the relative taxable capacity of these various self-governing communities. In answering this question we are not, happily, compelled to rely merely upon abstract arguments, nor even upon the experience gained in commercial arbitration. In 1894 the duty of doing this very thing was imposed by royal warrant upon a commission consisting of—

The Right Hon. Hugh C. E. Childers; Lord Farrer; Lord Welby; The Right Hon. O'Conor Don; Sir Robert G. C. Hamilton; Sir Thomas Sutherland, K.C.M.G., M.P.; Sir David Barbour, K.C.S.I.; The Hon. Edward Blake, M.P.; Bertram W. Currie, Esq.; W. A. Hunter, Esq., M.P.; C. E. Martin, Esq.; J. E. Redmond, Esq., M.P.; Thomas Sexton, Esq., M.P.; Henry F. Slattery, Esq.; G. W. Wolff, Esq., M.P.

These commissioners were charged 'to inquire 'into the Financial Relations between Great 'Britain and Ireland, and their relative taxable 'capacity, and to report:—

'1. Upon what principles of comparison, and by

'the application of what specific standards, the 'relative capacity of Great Britain and Ireland to 'bear taxation may be most equitably determined.

'2. What, so far as can be ascertained, is the 'true proportion, under the principles and specific 'standards so determined, between the taxable 'capacity of Great Britain and Ireland.'

Its results examined.

The results of this inquiry were as follows: Sir Robert Hamilton died before signing a report. Sir Thomas Sutherland recorded his opinion in a separate report that, so long as the union between Great Britain and Ireland was maintained, the questions submitted to the Commission were academic and did not seem to admit of an answer.[1] Of the remaining thirteen commissioners, three, Mr. Sexton, M.P., Mr. Wolff, M.P., and the Hon. Edward Blake, M.P., signed a report to the effect that in their opinion the proportion of Irish to British taxable capacity was 1 to 36.[2] The Right Hon. O'Conor Don, Mr. John Redmond, M.P., Mr. Martin, Mr. Hunter, M.P., and Mr. Wolff, M.P., gave the proportion as 1 to 20 with the qualification that it was possibly much less.[3] Lord Farrer, Lord Welby, and Mr. Currie reported that the Irish 'contribution to the tax revenue of 'the United Kingdom ought not, in our opinion, 'to exceed 1-20th or 1-21st part of the whole.'[4] The Right Hon. Hugh Childers, who died before the close of the proceedings, left a draft report in which he recorded his opinion 'that the taxable 'capacity of Ireland relatively to that of Great 'Britain may be taken to be at present as 1 to 19,

[1] C.—8262, p. 136. [2] *Idem*, p. 85. [3] *Idem*, p. 26. [4] *Idem*, p. 51.

'or one-twentieth of the whole taxable capacity of 'the United Kingdom.'[1] Sir David Barbour's view on the subject is worth quoting at greater length.

'It would be difficult, and perhaps impossible, 'to give an explanation of what is meant by '"taxable capacity" which would be generally 'accepted, and it appears to be impossible either 'to devise a perfect standard for the measurement 'of "taxable capacity" or to apply it with complete 'accuracy to the determination of the relative '"taxable capacity" of two countries.

'I understand, however, that the duty imposed 'on the Commission in regard to this matter 'requires us to determine the proportion in which a 'definite amount of taxation may equally be divided 'between Great Britain and Ireland if regard be 'had only to the resources of the two countries.

'Various suggestions have been put forward, 'and calculations made, with a view to determining 'the relative "taxable capacity" of Great Britain 'and Ireland. None of these calculations can be 'accepted implicitly, but on a review of all the 'evidence bearing on this point, I see no reason 'for doubting that the resources of Ireland are 'to those of Great Britain in a proportion lying 'between 1 to 16 and 1 to 21.

'If the proportion of revenue to be raised from 'Ireland is to be regulated solely by a reference to 'the "taxable capacity" of the two countries, the 'proportion of $\frac{1}{20}$th appears to me to be fair.'[2]

Of the fourteen commissioners who left signed reports, Mr. Childers, Lord Farrer, Lord Welby, and Sir David Barbour might be selected as those

[1] C.—8262, p. 193. [2] *Idem*, p. 119.

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with a world-wide reputation in matters of public finance. Not merely did they think that the question submitted to them was such as permitted of an answer, but the answers they gave were approximately the same. All of them were prepared to recognize the ratio of 1 to 20 as a proportion upon which the British Government might take practical steps for readjusting the taxation between Great Britain and Ireland. These were the findings after two years of inquiry by men who could only spare fragments of their time to the work of the Commission from other public duties. Is it rash to conclude, therefore, that a Board of Assessors similarly experienced in public finance could in the space of five years arrive at an approximately just ratio of taxable capacity between the various Dominions, if that were the sole duty these men were called upon to perform?

Results of the proposed system worked out on the basis of an imaginary assessment.

Supported, then, by some practical experience in arguing that the thing can be done, let us assume, for the purpose of this inquiry, that it has been done, and that the assessors have declared the taxable capacity of an average taxpayer in each of the five self-governing Dominions to be that shown in the following table:—

Taxable capacity of an average				Canadian . .	5·5
„	„	„	„	Australian . .	5·3
„	„	„	„	New Zealander .	5·4
„	„	„	„	South African .	1
„	„	„	„	Englishman .	6

By the simple process of multiplying each of these figures by the population of each Dominion, we arrive at the proportion in which the burden of Imperial taxation should be divided between them as follows:—

TABLE IV

	Ratio of Taxable Capacity of Average Citizen in each Dominion.	Population.	Resultant Ratio of Taxable Capacity of each Dominion.
Canada . .	5·5	7,300,000	40,150,000
Australia . .	5·3	4,500,000	23,850,000
New Zealand .	5·4	1,100,000	5,940,000
South Africa .	1	6,000,000	6,000,000
United Kingdom	6	45,500,000	273,000,000
		64,400,000	348,940,000

Taking the expenditure required for defence throughout the British Commonwealth at £81,241,824, this sum will have to be distributed amongst the various Dominions as follows :—

TABLE V

	I. Proportion of Total Cost of Defence due from each Dominion.	II. Total Cost of Defence.	III. Total Quota due from each Dominion for Defence.
Canada . .	$\frac{40150}{348940}$	£81,241,824	£9,347,908
Australia . .	$\frac{23850}{348940}$		5,552,867
New Zealand .	$\frac{5940}{348940}$		1,382,978
South Africa .	$\frac{6000}{348940}$		1,396,948
United Kingdom	$\frac{273000}{348940}$		63,561,123
			£81,241,824

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As against these sums due from the various Dominions to the Imperial Treasury, it must be remembered that subsidies in aid of local defence are due from the Imperial Treasury to the Dominions, as suggested for the purpose of this argument in Table No. II. In the absence of any sufficient reason why the Imperial Government should collect these amounts from Dominion taxpayers only to return them, the subsidies may be deducted from the total contributions due to the Imperial Treasury from each Dominion. It will be enough for the Imperial Government to collect the balance. The sums which the Imperial Government will have to collect in each Dominion are now shown in the last column of the following table:—

TABLE VI

	Total Quota due from each Dominion to the Imperial Treasury.	Less Subsidy due from Imperial Treasury to each Dominion Government.	Sum to be actually collected by Imperial Government from taxpayers of each Dominion.
Canada . .	£9,347,908	£1,000,000	£8,347,908
Australia . .	5,552,867	3,000,000	2,552,867
New Zealand .	1,382,978	500,000	882,978
South Africa .	1,896,948	1,000,000	896,948
United Kingdom	63,561,123	3,395,547	60,165,576
	£81,241,824	£8,895,547	£72,346,277

CHAPTER XVIII

THE INCIDENCE OF IMPERIAL TAXATION AS BETWEEN ONE TAXPAYER AND ANOTHER

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In matters of taxation the ultimate problem is that of distributing a given burden on just principles between individuals. Readers of the last chapter will realize that some progress has been made towards a solution, if the issues can be narrowed by the means there suggested. Clearly a most important step has been made, if the incidence of taxation, *as between one Dominion and another*, can be placed beyond dispute by means of a permanent judicial machinery. The question, as to what proportion of Imperial expenditure is due from this or that Dominion, can never then become a question of controversy in the Imperial Parliament, and the most dangerous of all bones of contention will have been removed, once and for all, from the arena of political discussion. The estimates having been fixed by the Imperial Parliament, it will then be clear that in any given year so much is due to the Imperial Treasury from the taxpayers of each Dominion—no more and no less.

Importance of first ascertaining exact amount due from taxpayers in each Dominion.

But the all-important question remains how the Imperial Treasury is to get the actual cash from the taxpayers. The method to be followed should

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harmonize, so far as is possible, the two principles to which attention has been called in Chapter XVI. In the first part of that chapter the conclusion was reached that no financial system is sound which does not enable a government to collect the revenues, to which it is entitled, from the taxpayers themselves *in the last resort*. In the second part of that chapter it appeared that Dominion governments cannot preserve undiminished their power of controlling their national affairs, unless they are free to determine the incidence of all public burdens between one taxpayer and another within their several jurisdictions. In Chapter XVII. it was argued that the exact amount due from the taxpayers of each Dominion to the Imperial Treasury for any given year can be fixed by machinery which is automatic. In this, the eighteenth chapter, it remains to discuss plans whereby the distribution of that given sum between one taxpayer and another can be left to the government of the Dominion in which they live, which yet preserves to the Imperial Treasury the power it now has of obtaining its revenues in the last resort, by distraining on the goods of the taxpayers.

How is the Imperial Treasury to get the cash from the taxpayers while leaving the Dominion Government to determine the incidence between one taxpayer and another?

The inquiries and discussions, upon which this chapter is based, have brought to light a variety of plans, whereby, in the opinion of their different advocates, the conditions specified in the last paragraph may be more or less perfectly realized. No comprehensive analysis of all of them is possible within the limits of this volume. From first to last the object of this inquiry is to ascertain the least possible change whereby a British subject in

Methods by which this problem will be treated.

the Dominions may acquire the same control of foreign affairs as that exercised by one domiciled in the British Isles. That object is fulfilled by presenting the least change in the system of finance which, in the opinion formed by the writer after sifting all the criticisms and all the schemes brought to his notice, would enable the Imperial Parliament to discharge its functions. The machinery described in the following paragraphs has not been selected as the best, when viewed from the strict standpoint of finance. Rather it is offered as an instance of the kind of machinery which the writer believes would suffice for practical purposes. But he also believes that plans which are just as good, or indeed much better, may be found. To discover a way of solving this particular part of the financial problem is not the difficulty. The real difficulty arises from the large number of different ways in which it can be solved and in choosing between them. No practical scheme of finance is ever free from objections; and the best way to focus the inquiry is to submit the outlines of one definite scheme, such as might enable the Imperial Parliament to determine the total amount required for defence in one year, and to get the cash into their exchequer, while leaving Dominion parliaments free to determine the incidence between one taxpayer and another, so long as they choose to do so. As an aid to further discussion, the writer will then indicate what, as he understands it, is the principal line of expert criticism to which that particular scheme is exposed.

For the general reader such a plan is best described in its simplest form. When applied to

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existing conditions, certain adjustments would have to be made. But these are better discussed in a separate appendix, for the benefit of those versed in the details of public finance.

The existing financial system described.

Let us choose, then, the simplest case, that of South Africa. In the specimen year taken in the last chapter, we supposed that the sum of £396,948 had been fixed as due from South African taxpayers to the Imperial Treasury. The system of public finance established by law in that country is fairly typical of that followed in the United Kingdom and the other Dominions. All the revenues, from whatever source, are paid into one exchequer account kept with the bankers of the Union Government. From that single account sums are transferred in large instalments to the account or accounts upon which the spending departments draw as required. These large transfers from the exchequer account are made by warrants framed by the Treasury and signed by the Governor, who only gives his signature when the auditor-general has certified that the warrant is drawn in accordance with the law. The warrant signed by the Governor is an order on the Union Bankers to transfer the amount specified therein to the credit of the spending departments.

The normal procedure suggested.

Now suppose that the quota due from South African taxpayers to the Imperial Treasury were made by the Imperial Constitution a first charge on the exchequer account of the Union,[1] its punctual payment might be secured by authorizing the Governor, who is and will always remain an Imperial officer, to sign warrants drawn by the

[1] See Appendix, p. 198, last paragraph.

Imperial Treasury and endorsed by the Imperial auditor-general. The Union bankers would have to treat those warrants as a charge on the exchequer account, which would rank prior to any warrants drawn by the Dominion treasury. The Governor himself might also be forbidden to sign Dominion warrants until outstanding Imperial warrants had been met. Such a system could scarcely be defeated without a breach of the law on the part of the Dominion ministers; for the laws by which revenue would continue to flow into the exchequer account could not be abrogated without the consent of the Crown, subject to the advice of the Imperial ministers.

The fi remed suppo a failu of the norma procec

But suppose the worst. Suppose that Dominion ministers decided to break the law, either by stopping the collection of revenue, or by failing to pay the revenue into the exchequer account, the Imperial Government must have some remedy which would prove effective, not merely in law, but also in fact. And no remedy can be trusted to prove effective in practice which does not give the Imperial Government the right to distrain on the goods of the individual taxpayer in the last resort. Suppose, then, whether by a breach of the law or otherwise, the exchequer account of the Dominion had been left by its government without funds adequate to meet the Imperial warrants. The Imperial Government would then be entitled to appeal to the Supreme Court of the Empire—the Judicial Committee of the Privy Council, including judges from all the Dominions. The Court would be empowered to transfer the control of the Union customs, or of any other revenue

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department, to the Imperial Government, and therefore to collect those revenues from the taxpayers themselves, until the Imperial quota was satisfied, returning to the Dominion government any funds collected over and above that amount. In the case of Canada, Australia, South Africa, or New Zealand the customs would amply suffice for the purpose. So long as the United Kingdom adhered to the policy of free trade, the customs might not suffice, and power to collect excise and income tax might have to be transferred by the Court to the Imperial Government.

The final remedy, supposing a failure of the first.

If the Dominion government still found the means of avoiding a remedy so drastic, the Court should, in the last resort, be able to declare the Imperial Parliament authorized to raise the necessary revenues from the taxpayers of the defaulting Dominion by Imperial statute, and to take whatever steps were necessary. The point would then have been reached beyond which it lies not in the power of human laws to go. A constitution can make it clear, beyond the region of dispute, that the government it creates is not to be paralysed by means of the law, but only by a conscious and evident breach of it. It cannot do more; but a constitution which does less is of all engines of government the most dangerous.[1]

Why the remedies must be effective.

As noted above, a government in collecting its revenues has seldom to resort to the power of distraint, because that power is so obviously effective that taxpayers find it easier, and also cheaper, to pay their taxes without provoking its use.

[1] For the technical modifications necessary to avoid dislocation of Dominion finance, see Appendix, pp. 197-8.

Passive resistance nothing avails, and the financial system outlined above is designed to leave no room for passive resistance on the part of Dominion governments. A ministry could scarcely prevent revenue from flowing into the exchequer account, without being caught in the meshes of their own law by their own courts. But no such attempts are likely to be made if, in any event, the Imperial Treasury is authorized by law *and clearly able in fact* to go past the recalcitrant government and collect its revenues from the taxpayers themselves.

Expert criticism of the foregoing scheme

Now does the procedure outlined above *clearly* enable the Government, in case of default, to collect the customs or other revenues which the Court may assign for its use? On this particular point doubts have been raised by financial experts whose opinion no amateur would care to ignore. The Supreme Court, it is said, might make an order transferring the collection of the customs or other revenues to the Imperial Treasury; but if the officials refused to accept service under the Imperial Treasury, it would have no skilled officials of its own through whom to collect the revenues. And the matter, it is added, will come to a practical test. From the present war we learn that the existence of states depends in the last resort on their power to borrow. The United States would never have beaten England, if Congress had not been able to raise from its sympathizers in Europe, as well as in America, a certain amount of money by loan. But Congress was unable to meet these loans, and in 1786 defaulted, simply for want of the power to distrain on the goods of the individual taxpayer. Continental securities sank to one-tenth

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of their nominal value.[1] 'Not worth a continental' is a phrase which survives in American parlance, and the United States would never have been able to borrow another dollar if Congress had not in 1787 been given the power, not merely on paper, but also in fact, of collecting the money direct from the taxpayers. In like manner the existence of the British Commonwealth to-day depends on the power of the Imperial Government to borrow thousands of millions, the whole available resources of its own taxpayers, and anything else it can raise from foreign investors. The money to meet those loans is not even left to be voted in the annual estimates of future years. It is voted now, once for all, and remains without any subsequent vote a first charge on the revenues of the United Kingdom. It is lent on a well-founded belief in the power of the Imperial Government not only to impose future taxes, but if necessary to seize and distrain on the goods of the taxpayers themselves, and but for the existence of that power would not be lent. To create an Imperial Government which lacked that power would simply prepare the Commonwealth for destruction. A government which can offer to creditors no adequate security in the throes of a great struggle would merely invite the attacks of its enemies.

An alternative suggestion

Experts, by whom these weighty criticisms are made, have suggested that the difficulty might be met if Dominion governments assigned existing sources of revenue sufficient, or more than sufficient to meet the Imperial quotas The Imperial treasury would collect these revenues through officers of

[1] *The Commonwealth of Nations*, p 589.

their own from the taxpayers themselves, returning to the government of each Dominion any revenue over and above what was needed to meet its Imperial quota.

How these or any other proposals, will be tested before the electorates are asked to adopt them

Now would the procedure outlined in the earlier pages of this chapter, or the stricter system recommended by the experts in the last paragraph, enable the Imperial Government to raise such loans as it needs must raise in a war like this? If not, what other method is required? No question more vital is involved in the problem which forms the subject of the present inquiry. And yet it is one that need not, and indeed cannot, be settled at this stage, because it must sooner or later be brought to a practical test—to the very criterion to which we have pointed in Chapter XII. If ever statesmen desire to make the people of the Dominions responsible for the issues of peace and war, without dissolving the Commonwealth, they will have to design some system whereby the cost of defence, not only in peace but also in war, can be met, by all the self-governing communities involved. They will have to ask themselves whether this system is one upon which, not merely their own people, but neutral investors will be ready to lend thousands of millions. Upon such a question they will scarcely venture to pronounce, without first submitting their scheme in all its details to those who have had most experience of public finance in every part of the Commonwealth. Some of them are sure to sit on the Convention itself. But the evidence of those outside it must be taken and formally recorded. All the leading authorities on public finance will have to be asked

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whether investors would lend as freely on the faith of the new system as they lend to the present Imperial Government. It is idle to speculate as to the verdict which statesmen and financiers will give on proposals which are not as yet before them, or until such proposals have been formally submitted to their judgment and carefully weighed. On the other hand, we need not hesitate to affirm that no responsible statesman, whether in the Dominions or in the United Kingdom, will ever face his parliament or electorate with a scheme of Imperial finance, of which the leading financial authorities are not prepared to say that investors would lend as readily on the faith of it as they now lend to the Imperial Government. There is little danger that the people of the Commonwealth will ever accept plans for rebuilding their house on financial sands, if only for the reason that their leaders would never agree to submit such proposals. Whenever the question enters the region of practical politics it will come to a wholesome and searching test. For the purpose of this inquiry it suffices to state the problem and suggest a solution, reserving a final judgment thereon, until the test is applied.

APPENDIX TO CHAPTER XVIII

Under the scheme outlined in this chapter the Dominion government will have to provide sufficient revenue for meeting the Imperial quota as well as their own expenditure. But they cannot frame their budgets with accuracy until they know what the Imperial quota is to be. It will be better, indeed, if they know the Imperial requirements for several years in advance. The procedure must therefore be so devised that a Dominion Treasury, in framing its budget for the year 1923, may have known since 1921, or, better still, since 1920, for what sum it is liable on account of Imperial expenses The difficulty can be met by basing Imperial finance on a longer unit of time than that employed in Dominion finance. At present the governments of all the Dominions frame their budgets for 12 months. They estimate that for 12 months their expenditure will be so much, and increase or reduce their existing system of taxes to meet that sum If in the course of the year they should have to meet expenditure they did not foresee, or if the revenues fall short of their estimates, the additional funds they require are usually obtained by bills drawn for a short period. They borrow, in fact, to meet the deficit, and provision for repaying the money is made in the budget of the following year, or years.

Now assuming that the new Imperial Parliament meets annually, there is still no reason why its budget should not be drawn for 36 months instead of for 12. Suppose that it first met in January 1920, the Cabinet must submit estimates showing the expenditure required not only from March 1 to February 28, 1921, but also from March 1, 1921 to February 28, 1922, and from March 1, 1922 to February 28, 1923 To avoid dislocation of Dominion finance, it might well be provided that Imperial expenditure required for the first two years should be met from a loan to be liquidated in the course of the following twenty years. The result would be that in 1920 every

Dominion Treasury would know what contribution it would have to provide in 1922, and would thus have plenty of time to mature its financial arrangements

At its second session in 1921 the Imperial Parliament would have before it estimates showing sums required for the years

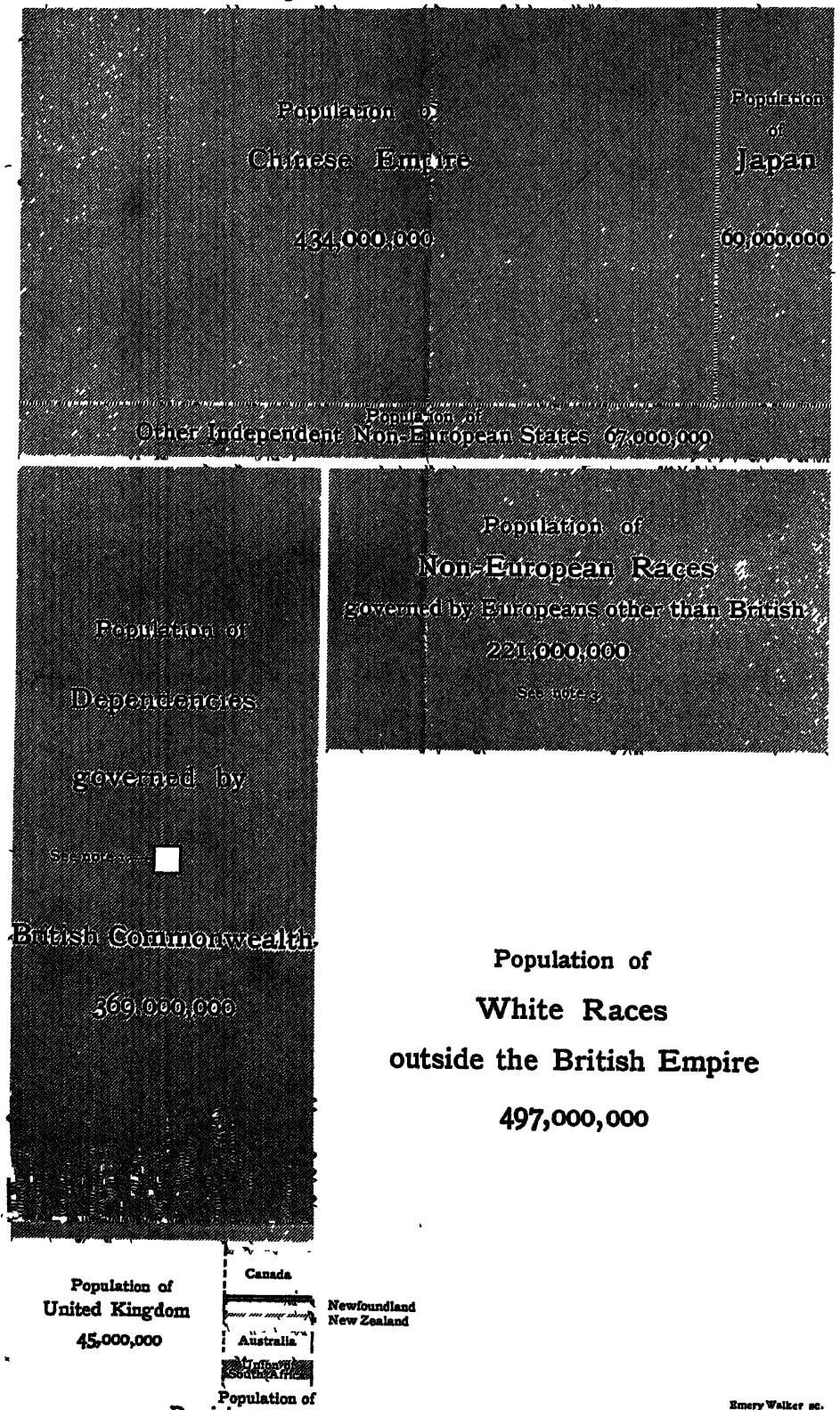
1921–2,
1922–3,
1923–4.

The first of these two years would be shown as already voted in the previous session, and Parliament would only be called upon to vote the expenditure required in the year 1923–4. Again the Dominion treasuries would have at least two years' clear notice of the Imperial quota to be met in that or in any particular year

Now suppose that, when Parliament met in 1922, the Cabinet should announce, as they did in 1908, that an immediate increase of expenditure was needed to neutralize a sudden expansion of armaments projected by a possibly hostile power, Parliament would have to provide supplementary estimates of additional expenditure required in that very year But the contributions due from the Dominions in the next two years could not be increased. This unforeseen expenditure would have to be raised by bills, drawn for a short period, and provision for meeting those bills would have to be made in the estimates voted for the year 1924–5 and perhaps in several following years. It might well be secured in the constitution that provision must be made for repaying bills drawn to meet supplementary estimates within three, or at most within six years.

As existing Dominion debts are a first charge on the revenues of the various Dominions, it would probably be necessary to recognize such debts as a first charge on Imperial revenues, subject to a provision that in case of default the Imperial Government should be able to recover, by adding the charges it was called upon to meet to the Imperial quota levied on the defaulting Dominion.

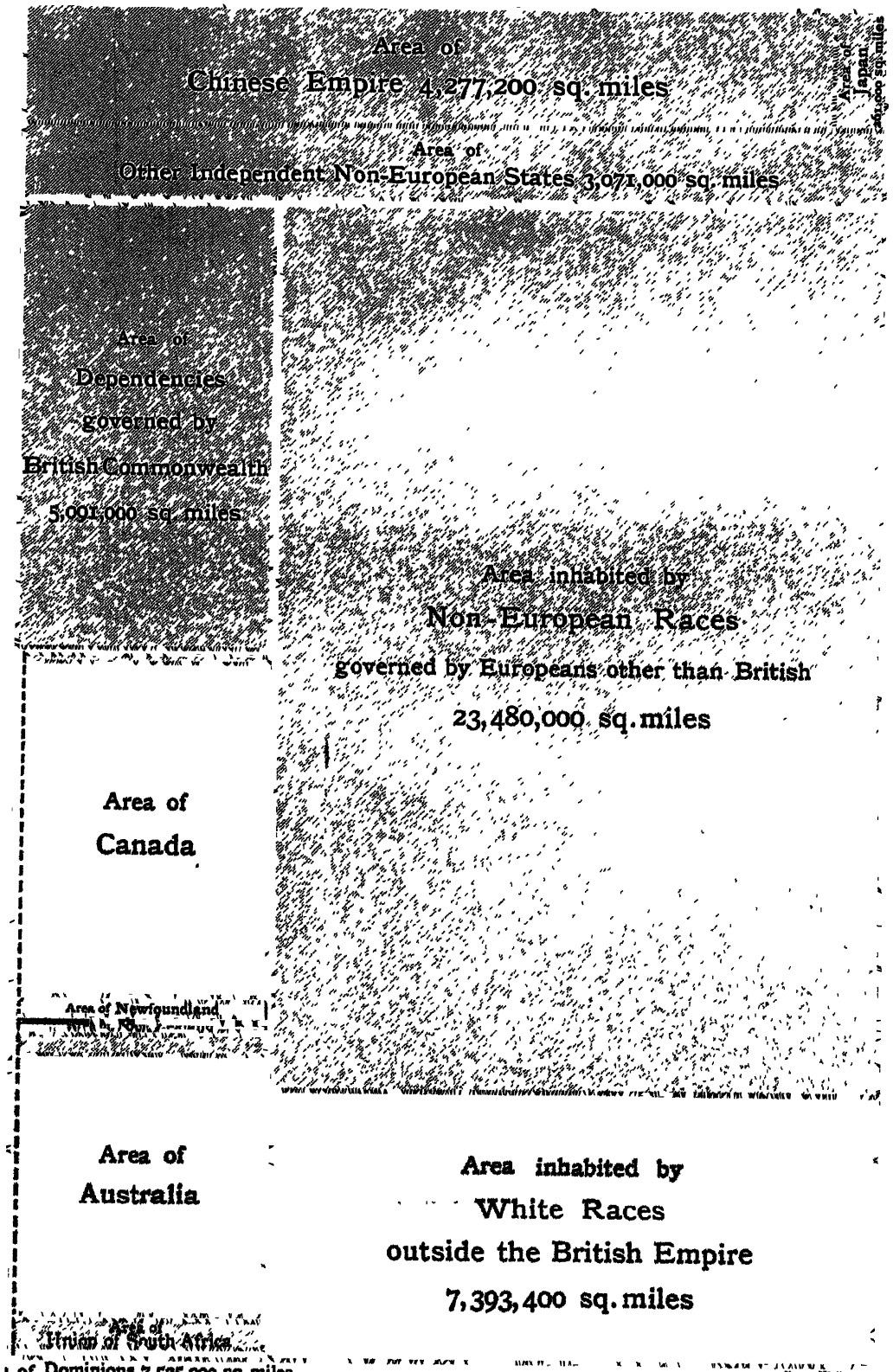
Population of World 1,721,000,000



Population of
White Races
outside the British Empire
497,000,000

Emery Walker sc.

Area of World 51,230,000 square miles



The area of the United Kingdom represented by the long strip between the dotted and continuous lines. See note 5.

Area of Dominions 7,535,000 sq. miles
Area of United Kingdom 121,400 sq. miles

Emery Walker sc.

1. 1,000,000 white population resident in Dependencies.
368,000,000 coloured population.

369,000,000.

2. 14,000,000 white population.
5,000,000 coloured population.

3. Including coloured population of U.S.A. and South American Republics south of Ecuador and Colombia.

4. The area of countries containing both white and coloured races has been distributed in proportion to the numbers of each.

5. The width of the narrow strip representing the area of the United Kingdom has had to be exaggerated somewhat in order to show it on a diagram of this scale.

CHAPTER XIX

THE DEPENDENCIES

The control of India, Egypt, and of the Crown Colonies inseparable from foreign affairs and defence.

RETURNING to the point from which we diverged at the beginning of Chapter XVI., it is apparent that an Imperial Minister of Finance must be included in the Imperial Cabinet, as well as the Foreign Minister, the First Lord of the Admiralty, and the Secretary of State for War. Now all the men who have filled these offices will agree that the conduct of foreign policy and the management of naval and military affairs are inseparably connected with the control of India, the Protectorates of Egypt and Central Africa and the West Indies, and also of isolated posts on the great maritime routes like Gibraltar, Malta, Perim, Aden, Singapore, and Hong-Kong. Each and all of them would insist that no cabinet could ever be responsible for the conduct of foreign affairs and defence unless it included the Secretary of State for India and the Colonial Secretary. When the Government of the United Kingdom had been placed on the same footing as those of Canada, Australia, New Zealand, and South Africa, the Colonial Secretary would of course be confined to dealing with the Crown Colonies. In this part of the inquiry, therefore, the term 'Colonial office' must

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be understood as referring to that side of his department only.

The British Empire a state including a quarter of mankind in which government is confined to the races already capable of the task.

Before discussing these great departments of state, it is well to glance at the facts with which they deal, and the diagram here inserted may help to suggest their magnitude. In the left-hand figure the races of European origin are distinguished from all the other families of mankind, who have not as yet, with the possible exception of the Japanese, shown themselves equal to the task of self-government. The importance of this distinction may be realized when it is remembered that, owing to their anxiety to preserve it, the people of the United States, as well as those of the British Dominions, have closed their territories to settlement by all the races represented in the shaded rectangles. Those races, nevertheless, comprise the greater part of mankind, and of this majority the British people are now responsible for the government of about one-third. The task of ruling vast communities, which cannot as yet govern themselves, has been accepted by the state which in modern times has been mainly identified with the principle of self-government. By the extension of its citizenship to the backward races the Commonwealth has come to include one quarter of the human race. The constituent elements of this complex polity are analysed in the diagram inserted opposite to page 59, which the reader will do well to open and keep before him while reading this chapter. He will thus realize that the Commonwealth is a typical section of human society including every race and level of civilization, organized as one state. In this world Common-

wealth the function of government is reserved to the European minority, for the unanswerable reason that for the present this portion of its citizens is alone capable of the task.

The government of backward peoples by those who are more advanced condemned in America.

These are the facts, but in the view of many they are facts at variance with the natural rights of man. The doctrine 'that people must govern 'themselves' has been described by the American Ambassador in London as 'the one fundamental 'and unalterable fact of the policy and principle of 'the United States—that which clinches it as a 'keystone.'[1] Such a principle, however, cannot be true in one part of the world without being true in another. If it is true that in America people must be left to govern themselves irrespective of their capacity for the task, then it is also true of people in Europe, Asia, and Africa. The world is not large enough to contain two moralities on a subject like this.

View prevalent in Dominions that Dependencies must either be left to govern themselves or else be governed by the United Kingdom.

The opinion here voiced by the American Ambassador has plenty of exponents outside the United States. In England they are numerous enough, but their influence is qualified by a sense of responsibility, for Englishmen have always to ask themselves what would happen to India, Egypt, and the African Protectorates if left to govern themselves. They are driven to consider this doctrine in the light of its practical results. In the Dominions, however, and especially in those where no such responsibilities have been assumed, the view in question has, not unnaturally, a greater influence. By considerable numbers of thinking men it is urged that these vast communities

[1] *Times*, February 7, 1914.

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should be given their independence, or at any rate self-government on the same lines as themselves. The very idea of one people governing another is contrary to their traditions. But if India, Egypt, and the African Protectorates must be governed from outside, the responsibility, they would say, must be left where it now rests—with the people of the British Isles. There are many who would welcome the prospect of joining with the people of Britain in the control of foreign affairs and in bearing their full share of the cost, who would yet be shocked at the idea of themselves becoming involved in the task of controlling India. The position created by this attitude in the Dominions is seriously complicated by the vigorous protest which any such proposal is certain to evoke from India and perhaps from Egypt.

Reasons why Dependencies cannot be left to govern themselves.

Here is one of the most serious difficulties which have to be met in solving the problem which now confronts the Commonwealth. Can ministers, who are, who have been, or who may, under the existing system, become responsible for the general government of the Commonwealth, remove this difficulty by agreeing that countries like India and Egypt can be left to govern themselves? The answer to the question is scarcely in doubt. Not one of them would venture to say that either of these countries can be left to shift for itself, or could even be placed, for the present, in the same position as Canada or Australia. Responsible leaders of the national party in India would scarcely repudiate this view, and any proposal to deal with India now as the Transvaal and Free State were dealt with in 1907 would strike some if not all of them with

dismay. They would say that, whatever the rate of the progress to be made in that direction, *the final authority* in Indian affairs must remain, for the present, where it now rests.

Can the United Kingdom when reduced to the status of a Dominion continue to govern the great Dependencies?

We must turn, then, to the other alternative. Can the people of the United Kingdom share with those of the Dominions the task of controlling the foreign affairs and defence of the Commonwealth as a whole, while retaining on their own shoulders a separate responsibility for governing the great Dependencies? Translated into practice this alternative would mean that an Imperial Government, responsible no less to people in the Dominions than those in the British Isles, would control foreign affairs and defence, while the Dominion government of the United Kingdom would control the internal affairs of the governments of India, Egypt, the African Protectorates, and all those other territories and Crown Colonies whose governments are at present controlled by the Secretary of State for the Colonies.

Civilized states obliged to assume control of backward communities to protect them from exploitation by private adventurers from Europe.

This second alternative is no more practicable than the first. Before these backward races came into touch with Europeans they had never realized self-government in the sense in which that term has been used throughout this inquiry. Such governments as they had were unstable, and have always begun to disintegrate when exposed to the corroding action of private adventurers from Europe in search of wealth. Japan is so far the only exception. From Morocco to China the same process has continued for the last four centuries with greater or less rapidity. Since the ocean routes from Europe to the other continents were

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opened to trade, their native rulers have been gradually enmeshed by influences which they had not the strength of character to resist. Little by little the societies they ruled lapsed into chaos, and where these disorders have threatened the peace of the world, European states have had to intervene. In most of these cases it is the British Commonwealth which has had to provide a government strong enough to maintain order, and to protect these helpless communities from exploitation at the hands of its own citizens.

The government of a Dependency must itself control the army of occupation and the native armies, which are integral factors in Imperial defence, and therefore in foreign affairs.

The stability of a government, so established from outside, depends, in the last resort, on its power to employ the physical force necessary to uphold its authority. In plain words, Britain could govern neither India nor Egypt unless it maintained in both these countries a British army strong enough to enforce its authority. The body which creates and controls these forces is the body which must also be responsible for the policy of the government whose authority it may be called upon to uphold. A time will certainly come when Bechuanaland, Basutoland, and Swaziland will be handed over to the Union Government, but not till the Union is prepared to provide the forces which control them. It was only on that condition that Papua was transferred to Australia, and the Cook Islands to New Zealand. The transfer was possible because these territories were neither so large nor so central as to raise issues which seriously affect the relations of the Commonwealth with foreign states. In the last century Canada might perhaps have incorporated the West Indies. But since the opening of the Panama Canal has given to these

islands a new strategic importance, it would be difficult for the Imperial Government to relinquish their control, even though Canada were prepared to guarantee the maintenance of internal order. These things are a matter of degree. India, Egypt, and the African territories, by reason of their size as well as of their position, inevitably bring whatever government controls them into delicate relations with foreign states. The conduct of their internal government is so inseparably connected with the conduct of foreign affairs and defence, that the business of the Foreign, Indian, and Colonial Offices could not be conducted at all unless the ministers in charge of them were united in one cabinet. As this war has shown, the native armies of India, of Egypt, and of the Protectorates, as well as the armies of occupation, are integral factors in the whole scheme of Imperial defence. They must be controlled by the Imperial Government. But that one authority should control the Indian and Egyptian armies, while another and wholly separate authority controls their civil administration, is unthinkable.

Principle of the commonwealth as applicable to the government of Dependencies.

These are the practical considerations, but they hinge on moral factors which lie beyond the compass of this report. The inclusion in one vast Commonwealth of the most democratic countries in the world side by side with ancient and primitive communities, which constitute whole sections of the human race and are scattered all over the world, is the consequence neither of chance nor of forethought. This conjunction of human elements so different in one world Commonwealth is the gradual result of the deepest necessities of human life.

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Of these the first is to establish ordered relations between most different races of men ordained by Providence to dwell together on one planet, the various regions of which have now been brought into intimate contact with one another. In order to do this the Commonwealth has had to evolve order from chaos in politically backward communities like India. But the Commonwealth cannot, like despotisms, rest content with establishing order within and between the communities it includes. It must by its nature prepare those communities first to maintain order within themselves. The rule of law must be rooted in the habits and wills of the peoples themselves. It must make them, to an ever-increasing degree, the instruments whereby justice is ordained and enforced between one citizen and another. The peoples of India and Egypt, no less than those of the British Isles and Dominions, must be gradually schooled to the management of their national affairs. But even when this has been done, the goal of the Commonwealth has not been reached, until the mutual relations of all the self-governing nations it includes are controlled by the will of their peoples acting in common. It is not enough that free communities should submit their relations to the rule of law. Until all those peoples control that law the principle by which the Commonwealth exists is unfulfilled. The task of preparing for freedom the races which cannot as yet govern themselves is the supreme duty of those who can. It is the spiritual end for which the Commonwealth exists, and material order is nothing except as a means to it. The burden of achieving it cannot

be limited to the people of the British Isles. To be carried to an issue, it must be assumed by all the Dominions fit for self-government. The heritage of freedom cannot be wrapped in a napkin, nor buried in the field of those who are heirs to it. It can only be kept where boldly lent, increased by usury, and spread to the uttermost parts of the earth.

Stages by which this principle must be realized.

In India the rule of law is firmly established. Its maintenance is a trust which rests on the government of the Commonwealth, until such time as there are Indians enough, able to discharge it. India may contain leaders qualified not only to make but also to administer the laws; but she will not be ripe for self-government until she contains an electorate qualified to recognize those leaders and place them in office. From its nature, national self-government depends, not upon the handful of public men needed to supply cabinets and parliaments, but on the electorate, on the fitness of a sufficient proportion of the people themselves to choose rulers able to rule. Such men there are already, but not in sufficient numbers, to assume the control of Indian affairs. Yet rightly they are given an increasing power of influencing government and making their voice heard in its counsels. In like manner they claim an increasing power of influencing those responsible for Imperial affairs, of being consulted; and not India herself, but the whole Commonwealth, will suffer, unless they are enabled and encouraged to do so, and attention is paid to their views.

An adequate discussion, however, of methods whereby this can be done would exceed the limits

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Reason why this subject cannot be further developed in this volume.

of the present inquiry, the immediate purpose of which is to find an answer to the question proposed in the introduction. Responsible men like Sir Robert Borden, Sir Clifford Sifton, and Mr. Fisher have declared that the time is at hand when the various self-governing peoples, for whom they speak, must come to control their own foreign affairs no less than the people of the British Isles. In order to do this some changes must clearly be made, and the sole purpose of the present inquiry is to state the conditions upon which such control can be given without dissolving the Commonwealth into independent states. And one of those conditions is surely this, that a British citizen in the Dominions cannot be made responsible for the foreign affairs of the Commonwealth, without also becoming responsible for the government of its subject peoples and sharing in the long and difficult task of training those peoples to govern themselves. The two things are by nature inseparable. But the question, how leading citizens in India and Egypt, who now stand on an equal footing with Europeans, are to make their voices heard in their own governments and in that of the Commonwealth, is one which can only be stated, and cannot be answered in these pages. Those wider issues, however, have not been burked. They are dealt with at length in another and more detailed inquiry to which reference has already been made in the preface to this volume.[1]

For the purpose of this volume it suffices to

[1] India will be dealt with in the first section of Part II. of *The Commonwealth of Nations*. Constructive proposals with regard thereto will be treated in the last volume of that report.

recall the test to which, as previously noted, such proposals as those we are here discussing will be brought the moment they enter the region of practical politics. No statesman experienced in such matters will ever consent to be answerable for the safety of the Commonwealth to one parliament, if ministers responsible for the government of India and the great Dependencies are to be made responsible to another. No proposal to entrust the conduct of foreign affairs to a parliament responsible to all the self-governing Dominions, while leaving the Dependencies to the Dominion parliament of the British Isles, is feasible in practice. If any serious student of the subject has doubts on the matter, he can easily set them at rest by a question addressed in identical terms to every occupant of the front benches in the Imperial Parliament who has ever been Secretary of State for Foreign, Indian, or Colonial Affairs. If questioned apart, without chance of reference to each other, they will all answer to the effect that the government of the greater Dependencies is no more separable from the conduct of foreign affairs and defence than foreign affairs and defence are separable from each other.

These proposals viewed in the light of the practical test they will have to face.

The immediate point therefore to keep in view is this: the people of the Dominions cannot share in the control of their foreign affairs with those of the British Isles unless they are ready to share also in the task of governing the great Dependencies. Let those who decline to face this prospect accept the alternative. Let them recognize at once that the people of the Dominions must each conduct their own foreign affairs for themselves through their own Dominion governments: let them realize

Magnitude of the interests involved in a right decision of these issues.

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that in order to do so the Dominions must assume their independence; that their people must renounce for ever their status as British citizens; that this project of a Commonwealth must be abandoned, and that all the consequences for abandoning it must be faced. In the last analysis there is no middle way. The foreign affairs of the Commonwealth are such that their conduct cannot be divorced from the responsibility of governing those vast portions of it which cannot as yet govern themselves. The ministers in charge of these functions must all sit together in one cabinet. So intimately connected are their duties that there can be no period of transition during which some of them sit in one cabinet and some in another. They have never been separated, and never can be, so long as the pillars of the Commonwealth stand.

CHAPTER XX

RESULTS OF THE INQUIRY SUMMARIZED

The separation of general from local functions, and the assignment of each to separate authorities, a necessary feature not merely of federal but of all modern states.

We have thus been led to the conclusion that the Foreign Office, the Admiralty, the War Office, the India Office and Colonial Office are departments which cannot be separated from each other. But are they not also inseparable from the other portfolios which constitute the existing Imperial Government? Can they be separated from such offices as the Board of Trade, the Home Office, the Local Government Board, the Education Department, and the Board of Agriculture? Men of experience will perhaps be found in both parties who will argue that they cannot. With their knowledge of technical detail they may be able to make a case which laymen would find it difficult to answer. We may be perfectly sure, however, that other men of equal experience will be found to differ from them. At worst there will be no general agreement on the subject, as there would be if it were proposed to divorce the administration of foreign affairs from those of the navy, army, or the great Dependencies; and in this inquiry we are only eliminating proposals which *all* men of experience will agree to condemn. In passing, however, it may be noticed that, not only in federal govern-

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ments, but in all states larger than a city republic, some separation of functions between central and local authorities has to be made. Even in New Zealand there are district and municipal authorities, and a project for restoring the provincial governments which formerly existed is constantly discussed. Some division of national from provincial affairs had to be made in framing the constitutions of the United States, of Canada, Australia, and South Africa.

This separation peculiarly easy in the case of the British Commonwealth.

A glance at the list of offices united in the present Imperial Government will suggest that in the case of the British Commonwealth the division is easier to make. The Foreign Office, the Admiralty, the War Office, the India Office and the Colonial Office are almost exclusively occupied with matters which affect the British Commonwealth as a whole. Excepting the Treasury, the other departments are almost exclusively engaged with matters as strictly limited to the interests of the British Isles as those handled by Dominion governments are limited to the countries they represent. The division between the two sets of offices is far clearer than that which divides the departments at Washington, Ottawa, Melbourne, or Pretoria from those administered by the governments of the American and Australian *States* or of the Canadian or South African provinces. And naturally this is so, for the *States* and provinces in all these Unions are contiguous. The boundaries which divide them are often no more than lines drawn by the accidents of history, and those which are natural, like the Rocky Mountains, the Australian deserts, or the straits which divide Tasmania from the mainland, can either be crossed by rail-

ways or a daily service of packets. Canada, Australia, New Zealand, South Africa, and the British Isles, on the other hand, are separated by oceans so wide that they insulate their social and domestic affairs from each other in the sharpest possible manner, and yet serve to connect them together and to render them mutually dependent for defence. Those interests proper to each are in a peculiar degree distinct from those common to them all. The distinction between the two classes of interests has been worked out in actual experience, so that those common to the Empire as a whole are now to be found in five special departments of the Imperial Government. At present that same Government is charged with the Dominion or national affairs of the British Isles; but none the less these purely British affairs are already administered by departments largely distinct from those which administer the few but all-important interests which affect the Commonwealth as a whole. *There* are the departments already made, such as can be handed over, as they stand, to a Dominion government, whenever one is created to take charge of them. The moment this is done the constitutional difficulty of rendering the five Imperial ministers responsible no less to British subjects in the Dominions than in the United Kingdom has vanished: and that, be it always remembered, is the problem which faces the Commonwealth.

Essential conditions to be realized in extending responsible government to the Dominions.

Dealing with that problem as a question of practical politics, we are now in a position to enumerate certain conditions which cannot be evaded in any proposals for solving it:

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(1) At present the Imperial Government is saddled with dual functions which must be separated. The greater part of them, matters relating to the social and domestic affairs of the British Isles, must be relegated to a government the counterpart of those already in charge of such matters in the oversea Dominions. There must be a separate cabinet and a separate parliament responsible to the electorate of the United Kingdom for its own domestic affairs.

(2) The Foreign Office, the Admiralty, the War Office, the India Office and the Crown Colony side of the Colonial Office, together with a ministry of Imperial finance, must be represented in the Imperial Cabinet responsible to an Imperial Parliament elected from all those Dominions whose people have decided to assume control of foreign affairs without forgoing their status as British subjects. This Parliament must retain all the powers at present exercised through those offices, and must also retain the power of voting any funds which in its opinion are necessary for the conduct of foreign affairs and defence.

(3) The Imperial Cabinet must retain its existing power of distraining on individual taxpayers for the payment of those funds, and that power must of necessity apply to taxpayers in the oversea Dominions as well as in the United Kingdom. At present the electorates of the United Kingdom and also of the Dominions (subject to the taxing powers of the provinces and *States* in Canada and Australia) can severally determine the total quantity of taxation to be borne by each of those countries. By consenting to modify that right, and by sharing it

amongst themselves, and in no other way, can British subjects in all these Dominions share in controlling their foreign affairs. The exclusive right of taxation now enjoyed by each Dominion government in its own jurisdiction is incompatible with the final achievement of responsible government by British subjects in all these countries. To attain responsible government they must either forgo this exclusive right, or else forgo their status as citizens of the greatest Commonwealth that the world has seen. There is no middle way, and it is idle as well as dangerous to mask the alternatives before us. The final right to determine the quantity of taxation must be shared. The power of determining its quality can be left, where it now rests, with Dominion parliaments.

These conditions involve no change in Dominion constitutions.

Important as these changes are, they can yet be effected, so far as the younger Dominions are concerned, without altering a single word of their existing constitutions. This statement is one which needs to be scrutinized narrowly, because it is contrary to all previous experience. Drastic changes were needed in the constitutions of the thirteen American states before their several electorates could assume a common responsibility for their common affairs. And the reason is not difficult to find. The first Congress was a counterfeit government, and in actual practice proved itself to be such. There was no real American government, and the national affairs of America went by default until one was established. The same was true of the Canadian provinces, except in so far as the Imperial Government was able to provide for the conduct of Canadian affairs. And so it was with the Aus-

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tralian and South African colonies. In the British Commonwealth, however, there already exists a genuine organ of central government. The faculty of transacting those few but all-important affairs which are common to the Empire as a whole *is* centralized in an Imperial Government, which, incidentally, is also responsible for the Dominion affairs of the British Isles. The people of the Dominions have assumed one by one all the powers of government they chose. But they of their own free will have abstained from assuming control of foreign affairs. They have consented to leave that control centralized in the British Government, and so far have voluntarily acquiesced in its decisions. And because that Government is a real one, they can assume a share in controlling it with the people of the British Isles without changing a single word in their own constitutions.

On the other hand, reform involves drastic changes in the existing constitution of the British Isles.

This does not apply, however, to the people of the British Isles. Their domestic affairs, as well as those of the Commonwealth as a whole, are united in the hands of one Government and Parliament, and the Dominions cannot be admitted to the control of Imperial affairs unless purely British affairs are separated off and placed under a new government solely responsible to a British electorate. The existing Imperial Government can then be made responsible to British subjects in all the Dominions. But, so far as the people of the British Isles are concerned, the reform can only be made by a drastic change in the system by which their domestic affairs are controlled. In future they must regulate them subject to an instrument of government, like the New Zealand Act of 1852,

the British North America Act of 1867, the Commonwealth Act of 1900, or the South Africa Act of 1909.

Greatness of the change which England must face.

But this is not all. In the foreign affairs of this Commonwealth the British have retained a monopoly of power close almost as that which Athenians wielded in the empire they founded. In matters of peace and war it is literally closer than that which the Prussians exercise in Germany to-day. As Prime Minister of Australia Mr. Fisher found that he had less control of foreign affairs than he had as a youthful voter in Scotland. This cannot continue. The British electorates can only retain this monopoly by leaving the Commonwealth to drift towards dissolution. And to share the control with the younger nations they must share it generously from the first. It is true that for some time the United Kingdom would retain a preponderance of votes in the Imperial Parliament, though the lapse of a few generations is likely to transfer that position to Canada. From the outset, however, Englishmen cannot expect to enjoy the same preponderance of seats in the Cabinet, and it must be remembered that in all the matters which directly determine the issues of peace and war the Cabinet is an organ of greater importance than Parliament itself. Every Dominion is sure to insist upon having a minister there, and the claim cannot in justice or expediency be denied. The executive offices will at most number eight,[1] and

[1] The Prime Minister.
The Foreign Secretary.
The Secretary for War.
The First Lord of the Admiralty.
The Secretary for India.
The Colonial Secretary.
The Minister of Finance.
The Minister of Munitions.

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even if ministers without portfolio were added, the Cabinet cannot, unless it be dangerously enlarged, afford the United Kingdom the same preponderance of seats that its numbers or share of Imperial taxation would secure to it in Parliament. An Imperial Parliament is a necessary organ of responsible government. Without it ministers cannot obtain supply, nor be held to account by the authorized agents of the taxpayers. Without it no genuine discussion of foreign affairs can take place, and government becomes a secret committee which need not report, and, even if it chooses to do so, cannot be questioned upon the report. Without a Parliament public opinion cannot be properly enlightened and formed. Its direction cannot be known, but can only be guessed, and therefore it cannot control the ministers, keep them in office, or replace them at will. Without a parliament no conjuring with constitutional fictions will make the electorates really responsible for the issues of peace and war. Yet so far as immediate decisions are concerned it is obvious that influence exercised through the executive is of even greater importance than influence exercised through the legislature. If British subjects in all these Dominions are to share in controlling their common affairs, the exact proportion of influence allotted to each in the two principal organs of government cannot be dispensed in accordance with maxims of the counter. Any feasible scheme will justly assign to the smaller units a weight in the counsels of state larger than the number of voters they contain, or the number of pounds they contribute to taxes.

How will she face it?

For England the change is indeed a great one. Can she face it? Can she bear to lose her life, as she knows it, to find in a Commonwealth, wide as the world itself, a life greater and nobler than before? Will she fail at this second and last crisis of her fate, as she failed at the first, like Athens and Prussia, forsaking freedom for power, thinking the shadow more real than the light, and esteeming the muck-rake more than the crown? Those there are who have not scrupled to say that she will never endure to share her present authority, twisting an English statesman's unanswerable words to suit their case. And others of her own house misdoubt. England, they say, so distracted by schism, so torn by internal strife, so incapable of ordered action, a prey to apathy and to sloth, has forgotten the principle for which she stands, and will stifle this project of freedom, unmindful as a mother who overlays the child she has borne. It is thus that a race bred in grey, unhopeful skies mistrust their own will to pursue their task to its destined end. It was thus that the English were doubting centuries ago, when one whose voice 'was like the sea,' roused them to a nobler confidence in themselves. The surge and thunder of that voice, which waked them then, too long unheard, shall wake them now once again.

The words of John Milton recalled.

'Now once again by all concurrance of signs, 'God is decreeing to begin some new and great 'period, . . . ev'n to the reforming of Reformation 'it self; what does he then but reveal Himself to 'his servants, and as his manner is, first to his 'English-men; I say as his manner is, first to us, 'though we mark not the methods of his counsels,

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'and are unworthy. Behold now this vast City;
'a City of refuge, the mansion house of liberty,
'encompast and surrounded with his protection;
'the shop of warre hath not there more anvils and
'hammers waking, to fashion out the plates and
'instruments of armed Justice in defence of
'beleaguer'd Truth, than there be pens and heads
'there, musing, searching, revolving new notions
'and ideas wherewith to present, as with their
'homage and their fealty the approaching Reforma-
'tion. . . .

'First, when a City shall be as it were besieg'd
'and blockt about, her navigable river infested,
'inrodes and incursions round, defiance and battell
'oft rumor'd to be marching up ev'n to her walls,
'and suburb trenches, that then the people, or the
'greater part, more than at other times, wholly
'tak'n up with the study of highest and most
'important matters to be reform'd, should be
'disputing, reasoning, reading, inventing, dis-
'coursing, ev'n to a rarity, and admiration, things
'not before discourst or writt'n of, argues first a
'singular good will, contentednesse and confidence
'in your prudent foresight, and safe government,
'Lords and Commons; . . . Next it is a lively and
'cherfull presage of our happy successe and victory.
'For as in a body, when the blood is fresh, the
'spirits pure and vigorous, not only to vital, but to
'rationall faculties . . . so when the cheerfulnesse
'of the people is so sprightly up, as that it has, not
'only wherewith to guard well its own freedom
'and safety, but to spare, and to bestow upon the
'solidest and sublimest points of controversie, and
'new invention, it betok'n us not degenerated, nor

'drooping to a fatall decay, but casting off the old 'and wrincl'd skin of corruption to outlive these 'pangs and wax young again, entring the glorious 'waies of Truth and prosperous vertue destin'd to 'become great and honourable in these latter ages. 'Methinks I see in my mind a noble and puissant 'Nation rousing herself like a strong man after 'sleep, and shaking her invincible locks: Methinks 'I see her as an Eagle muing her mighty youth, 'and kindling her undazl'd eyes at the full midday 'beam; purging and unscaling her long abused 'sight at the fountain it self of heav'nly radiance, 'while the whole noise of timorous and flocking 'birds, with those also that love the twilight, flutter 'about, amaz'd at what she means, and in their 'envious gabble would prognosticat a year of sects 'and schisms.'

'We reck'n more than five months yet to 'harvest; there need not be five weeks, had we 'but eyes to lift up, the fields are white already.

CHAPTER XXI

THE CASE FOR AN IMPERIAL CONVENTION

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These conditions must all be realized together and simultaneously by passing a constitutional statute.

THE problem before us is to see how British subjects in the Dominions may become equally responsible with those in the British Isles for the conduct of foreign affairs. In the previous chapters certain conditions have been worked out, which must be realized before that problem can be solved. But the moment statesmen come to consider the matter as a question of practical politics they will find that none of these changes can be made by itself. They must all be made together, and cannot be effected one by one. There can be no intermediate period during which Imperial ministers are subject to removal from office both by the votes of an Imperial electorate, and also by the votes of the Dominion electorate of the British Isles. Such a system could not exist for a year without risking a deadlock which might prove fatal to the peace of the world and the very existence of the Commonwealth. The ministers severally responsible for foreign affairs, naval and military defence, and the control of the great Dependencies, could not be separated between two cabinets for a single year. Their functions are merely the several aspects of a single function

which is indivisible, the essential unity of which must be represented in a cabinet of ministers who stand or fall together. Nor would they consent to administer them for a single year without the help of a financial minister whose powers of obtaining the necessary revenue must be at least as effective as those now exercised by the Chancellor of the British Exchequer. From the first those powers must apply to the Dominions represented, no less than to the British Isles. Not one of these changes can be left to wait upon any other. They must all be effected together. They must of course be approved by the electorates of all the Dominions that consent to come under them. But they cannot be ratified and carried into effect without a formal Act of the existing Imperial Parliament. Such an Act must be framed, and, if passed, will in fact be a written constitution for the Commonwealth as a whole. Such an Act there must be; and before there can be an Act there must be a bill; and until that bill is drafted and published, neither the people of the Dominions nor those of the United Kingdom will be able to know what exactly are the changes they are called upon to face. The question, in a word, cannot be brought to an issue at all until, in some shape or form, a scheme has been formulated and placed before the public.

Habitual condemnation of definite schemes for reforming Imperial relations illustrated by the words of Sir Charles Lucas.

So obvious is this that the reader may well ask why it is worth saying. Nor would it be, if the practical conclusions to which it leads were recognized, and faced. On the contrary, the public have been brought to regard the mere suggestion of a definite scheme as a symptom of political madness.

The records of the Imperial Conference and of the Colonial Institute bristle with warnings against this peculiar insanity. 'Certainly let us meet to dis-'cuss systems of defence, all-red routes, state-'owned cables, reciprocity in copyright and patents, 'naturalisation, or even tariffs. These are practical 'questions, and if you think it really worth while, 'let us talk of the political relations of the various 'parts of the Empire. But, even if you think they 'should be changed, beware of attempts to reduce 'your ideas to concrete proposals. You will be 'wise, indeed, to abstain from propounding ideas 'capable of being so reduced. So great is the 'danger of definite schemes that it is impossible for 'warnings against them to be too serious or too 'often repeated.' Such, indeed, is the impression which remains on the mind of any one who studies the proceedings of Imperial Conferences or of the Royal Colonial Institute. 'I want to warn you 'all that any Federation or Union of English People 'must grow. Any cut-and-dried scheme would be 'fatal, contrary to English history, contrary to 'English instincts, a German plan which they call 'Kultur.'[1]

Pages might be filled without difficulty with quotations to the same effect and couched in almost identical terms. But this particular specimen has been chosen because of the high authority of the

[1] The quotation is from the issue of the official journal of the Royal Colonial Institute, current at the moment of writing. See *United Empire* (Jan. 1915), p. 66. The speaker, Sir Charles Lucas, K.C.B., K.C.M.G., was winding up a discussion on British Imperial relations initiated by Dr. Ellis, ex-M.L.A. of Western Australia.

speaker and the esteem with which he is justly regarded in every part of the Commonwealth. Sir Charles Lucas was the first head of the Dominions branch of the Colonial Office. He has visited the Dominions, and, before as well as after his retirement, has devoted his leisure to writing their history. The official traditions of British colonial policy could scarcely find an exponent in whom the qualities of experience and scholarship are more perfectly combined.

His remarks analysed.

In examining his words, however, as quoted above, it is fair to notice that they were uttered on the spur of the moment. We must not, therefore, expect precisely the same exactitude in the use of terms as if the words in question were extracted from his writings. When speaking, for instance, of Imperial Union as a 'Union of English People,' he obviously means a union of self-governing peoples in the British Empire. It is necessary to note this, because when he goes on to say that 'any 'cut-and-dried system would be fatal, contrary to 'English history,' he is probably using English in the stricter sense. And here in truth is the key to the whole position. A student who consults the subject catalogue of a great library for serious works on *the history of the British Empire*, under that heading, will be largely disappointed. Beyond a few school-books and brief compilations he will find little to his purpose. His studies will have to be founded mainly on books ranked under the heading of *English history*; and these, as he will find, are largely devoted to describing how the British Constitution, as it now is, grew from the primitive custom of the Anglo-Saxons. The minds of their authors are preoccupied with this process of growth,

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and to it they attribute, and not without reason, many of the undoubted virtues of the Constitution.

Growth a faculty necessary not only to the British, but to all constitutions, including that of the United States.

In varying degrees, however, the same is true of all other constitutions, even of those (and they are the vast majority) which, like that of the United States, have their foundation in one document. No constitution could endure unless it was capable of being moulded to meet the altered needs of the successive generations who have to live under it. That of the American Republic has been changed, partly by a series of amendments, partly by usages, such as that which has substituted direct for indirect election in the choice of the President, but more profoundly still by interpretations of judges who have been wise enough to consider and give effect to a change in conditions which could not have been foreseen when the Constitution was first framed. And so it is in the self-governing Dominions. In Canada and Australia the same processes are at work as in the United States. In New Zealand and South Africa the legislatures are free within wide limits to alter their constitutions, and frequently do so. Such gradual change made, little by little, in the light of experience is, so long as society continues to be progressive, the only alternative to periodic revolution. But obviously such changes must be limited to what is essential for the time being. It is difficult enough to navigate a ship, but not so difficult as to work a constitution. Nearly every new ship that is built contains some improvement on former ships, but the improvements are so gradual that seamen can adapt themselves to the change of mechanism. Yet even so moderate a

change as that from reciprocating engines to turbines is attended with danger. To place a steam liner in charge of a crew entirely trained on sailing vessels, would lead to disaster. A submarine in charge of men who had always handled surface vessels would surely come to grief. And so it is when men try, as the French did, to meet changing needs by an entire change of their whole constitution. By attempting too much they made such changes as were necessary impossible to work. Instead of keeping all that was serviceable in the mechanism, they kept on scrapping the whole of it, and thus wasted the precious experience they had gained. In the general result, progress was delayed rather than hastened.

Danger of treating Imperial history as an episode of English history.

The lesson is one to be drawn from the history of all constitutions. That of the British Constitution, with its origin lost in antiquity, and with a history so much the longest and most interesting, is peculiarly calculated to point this lesson. But so long as students of the British Constitution confine their attention to 'English history,' they will be certain to press it to wrong conclusions. The title 'English history' goes deeper than the covers of the books. It means that their writers have concentrated their minds upon one side of their subject, and one only. They have much to tell their readers of the origin and gradual development of the English Constitution, but little of how it became the British Constitution, and still less of how it came to be the Constitution under which a quarter of the human race now lives. A recent work of the kind in seven volumes, styled, as is usual, *A History of England*, disposes of the Union

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of England and Scotland in less than half a page, and deals with the organization of a quarter of mankind in one international State as though it were nothing more than an episode of English history. The habit of viewing the Constitution of this vast international State in the light, not of Imperial history, nor even of British history, but only of English history, is largely responsible for the doctrine that any general plan for revising it to meet altered needs must be regarded from the outset as self-condemned. For in England the only experiment of the kind, the 'Instrument of Government,' which established the Protectorate in 1653, led to no permanent results. The doctrine that all such attempts are necessarily futile is a natural, though by no means a necessary, conclusion to be drawn from a study of English history in the strict sense of the term. The invariable condemnation of all such attempts as 'contrary to English history,' of which one example has been quoted above, is the practical consequence.

The Anglo-Scottish Union the result of a cut-and-dried scheme.

The moment this conclusion is viewed in the light of the history, not of England, but of the United Kingdom, it will be seen to be, not merely invalid, but wholly at variance with the truth. In point of fact the Union of England and Scotland as one commonwealth was consummated by means of a 'cut-and-dried' plan, and could not possibly have been effected in any other way. It was 'cut' in the shape of articles discussed and agreed upon by English and Scottish Commissioners appointed for that purpose in 1706, and by them drafted into the form of a Bill, which in 1707 was 'dried' or perpetuated as a legal enactment by the Scottish and

English Parliaments. 'Though the fact is often 'overlooked,' says Professor Dicey, an authority second to none in such matters, 'the Parliaments 'both of England and Scotland did, at the time of 'the Union, each transfer sovereign power to a new 'sovereign body, namely the Parliament of Great 'Britain.'[1] A brand-new state was created by an instrument of government deliberately devised and consciously adopted by the two Parliaments; and each, in doing so, effaced itself. This instrument was the written constitution of the new state they brought into existence; and its character as a written constitution is in no way altered by the fact that it has since become overlaid by a mass of subsequent usages and enactments. In no other way could a voluntary union have been effected. Had the maxims of Sir Charles Lucas prevailed, had the principle been applied that any union of England and Scotland 'must grow,' and that any 'cut-and-dried system would be fatal,' the inevitable result would have been war between the two commonwealths. Scotland must almost certainly have been conquered, as Wales had been some centuries before. England would have annexed Scotland as so many additional counties. In time, no doubt, representation would have been accorded to these northern counties, as it was after several centuries to those of Wales. In this way, and in no other, the settlement of a scheme of government such as that embodied in the Act of Union could have been avoided.[2]

[1] Dicey, *The Law of the Constitution*, pp. 66-7.

[2] The data upon which these conclusions are based may be studied in *The Commonwealth of Nations*, chapter v.

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The Union of Great Britain and Ireland.

And precisely the same was true of the Union of Great Britain and Ireland. It matters not how that union was carried, nor whether it was well or ill devised, nor yet that it failed to provide a permanent solution of the Irish question. Unless Ireland was to be conquered and annexed as part of England, it was no more possible to attempt a solution of Anglo-Irish relations without some scheme cut-and-dried in the sections of a parliamentary Act than it would now be possible to restore Home Rule to Ireland without such a scheme.[1]

The Canadian, Australian, and South African Unions.

The appeal to English history is especially surprising from one who knows more than any living authority of the process whereby the Canadian provinces and the colonies of Australia and South Africa achieved their respective unions. No process of merely gradual growth could have brought into existence the British North America Act, the Commonwealth Act, and the South Africa Act. They are constitutions based upon popular assent consciously given; but such assent could never have been given until the parliaments and electorates of the several provinces and colonies had before them schemes which were cut-and-dried in the strictest sense of the phrase. How can two or more communities agree upon the establishment of a common organ of government for common purposes until the constitution and powers of that organ are defined in the terms of a legal document? And how can such a document be drafted until its leading principles are worked out in a series of resolutions? And how, moreover, can public opinion grasp the issues involved until such resolutions are

[1] See *The Commonwealth of Nations*, chapter vii.

drafted into a Bill and placed before them for discussion? In truth, this condemnation of those who test proposals they advance by drafting them into schemes has its roots in a shrinking from public discussion and a distrust of public opinion.

The German method.

More curious still is the attempt to brand such procedure as a method copied from Germany. As every student of German history knows, that union was effected by two different methods. The first consisted in forcible conquest and annexation by Prussia of such territories as Silesia, Schleswig-Holstein, Hanover, and a portion of Hesse. In these cases the necessity for drafting a constitution was avoided by the use of force. Otherwise the union of Germany was effected by agreements rendered possible only by a previous display of force. But even so, the agreement necessitated the drafting of a constitution. The manner in which this draft was prepared, discussed, and adopted is in strange contrast to the methods adopted in the Anglo-Scottish Union and in Canada, Australia, and South Africa. 'By a treaty of 'August 18, 1866, all the North German States 'which had survived entered into a treaty with 'one another and with Prussia; they mutually 'guaranteed each other's possessions, engaged to 'place their forces under the command of the King 'of Prussia, and promised to enter into a new 'federation; for this purpose they were to send 'envoys to Berlin who should agree on a Constitu-'tion, and they were to allow elections to take 'place by universal suffrage for a North German 'Parliament before which was to be laid the draft 'Constitution agreed upon by the envoys of the

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'States. These treaties did not actually create the 'new federation; they only bound the separate 'States to enter into negotiations, and, as they 'expired on August 30, 1867, it was necessary 'that the new Constitution should be completed 'and ratified by that date. The time was short, 'for in it had to be compressed both the negotia- 'tions between the States and the debates in the 'assembly; but all past experience had shewn that 'the shorter the time allowed for making a Con- 'stitution the more probable was it that the work 'would be completed. Bismarck did not intend 'to allow the precious months, when enthusiasm 'was still high and new party factions had not 'seized hold of men's minds, to be lost.

'He had spent the autumn in Pomerania and 'did not return to Berlin till the 21st of December; 'not a week remained before the representatives of 'the North German States would assemble in the 'capital of Prussia. To the astonishment and 'almost dismay of his friends, he had taken no 'steps for preparing a draft. As soon as he arrived 'two drafts were laid before him; he put them 'aside, and the next day dictated the outlines of 'the new Constitution.

'This document has not been published, but it 'was the basis of the discussion with the envoys; 'Bismarck allowed no prolonged debates; they 'were kept for some weeks in Berlin, but only 'three formal meetings took place. They made 'suggestions and criticisms, some of which were 'accepted, but they were of course obliged to assent 'to everything on which Bismarck insisted. The 'scheme as finally agreed upon by the conference

'was then laid before the assembly which met in 'Berlin on February 24th.'[1]

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Reasons for treating the Dominions as separate sovereignties.

Such are the facts; and the prevalence of political maxims so much at variance with them is largely due to historians and constitutional writers—to their inveterate habit of trying to explain the British Commonwealth in terms of English history. Clearly it is not possible for people living under two or more separate governments to create a common government for common purposes without a cut-and-dried scheme or by any mere process of growth, such as that which in England converted the despotism of William the Conqueror into a commonwealth presided over by King George V. The preparation of cut-and-dried schemes is the first condition of any union of separate communities which is to be effected by virtue of popular discussion, understanding, and assent, and not by force. In 1706 England and Scotland were separate sovereignties, although under the same monarch they constituted one international State in their relations to foreign powers. But that dual character was one which could only be maintained so long as Scotland and the Scottish Parliament were willing to have no voice in foreign affairs and to leave England to conduct the foreign policy of Great Britain as Prussia, in fact, conducts that of Germany. The moment the Scottish Parliament insisted on a voice in foreign affairs the two sovereignties were confronted with the alternatives of absolute separation or fusion into one commonwealth. And the Dominions are now in the same relation to Britain

[1] Headlam, *Bismarck*, pp. 291-3.

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as was Scotland to England in 1706. The arrangement can last only so long as the Dominions are content to remain as dependencies who may give or withhold at pleasure their support to the foreign policy of the United Kingdom, but must acquiesce in its consequence or secede. They are separate sovereignties for the same reason and to the same extent as Scotland was a sovereignty separate from that of England. Their parliaments, like the Scottish Estates, possess a sole and exclusive power of taxation over the people in their own territories. No Imperial ministry can become responsible to them in foreign affairs except through a parliament in which they are represented, and they cannot be represented in a parliament which has not power to tax all the communities which it represents. No genuine form of union is possible in which the power of taxation has not been conceded to the parliament responsible for foreign affairs by the parliaments of the Dominions and the United Kingdom. And can any one who knows these communities imagine that they will ever take such a step until they know exactly what they are doing and to what extent they are doing it? But that they cannot know until they have before them a scheme reduced to that most definite of all shapes, a parliamentary Bill, such as they can discuss, accept, or reject.

Necessity of a Bill, and therefore of a Convention to frame the Bill.

The moment will arrive when further progress is impossible until a draftsman is entrusted with the task of framing such a Bill for submission to all the peoples concerned. But a draftsman is simply a legal mechanic. He must act on instructions, which cannot be given him by any one of

the governments concerned. The peoples who will have to accept or reject the Bill must appoint delegates to meet in Convention to frame instructions, and to settle the terms of the measure before it is submitted for the public approval of the communities they represent. That body will have to decide whether the proposed Imperial Parliament is to consist of one chamber or two, how each is to be constituted, the number of members in each, how they are to be apportioned to the several Dominions, and the precise manner in which the Imperial revenues are to be raised. They will have to settle the time after which each Imperial Parliament expires, and the mode of its election. They will have to provide for the representation of all the Dominions in the Cabinet, whether by including ministers without portfolio or otherwise. Probably they will have to devise arrangements whereby the arsenals and dockyards may be properly distributed through all the Dominions, for it is neither in accordance with equity nor public security that the manufacture of war-ships and weapons should continue to be concentrated in the British Isles. Especially they will have to decide whether the reformed Constitution is to remain, as now, unitary and elastic; or whether it is to become federal and, therefore, in some degree rigid. In the latter event they will have to decide whether to make it as easy to amend as that of Australia, or as difficult as that of the United States.[1] Upon these and a number of other points they must instruct the draftsman

[1] For some confusion which has arisen on this point see the Appendix at the end of this chapter.

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appointed to frame the Bill. But to say what instructions they will give on matters of this kind is not the purpose of this inquiry.

This inquiry confined to points such as no Convention can alter.

These are problems which admit of various solutions, and a Convention assembled for the purpose from all the Dominions must settle them according to their wisdom. They are all matters which lie within the competence of statesmen to decide this way or that. The present inquiry is limited to points which no statesmen can alter, because they are inherent in the nature of things. No statesmen can make one executive responsible to two different legislatures or electorates. No statesmen can divorce the conduct of foreign affairs from defence, or either from the control of dependencies containing one-fifth of the human race. No statesmen can render ministers responsible to taxpayers without making these taxpayers severally liable to the ministers for their taxes. These are conditions which no Convention can alter. No scheme which ignores them will ever be ratified by a sane electorate, and, if electorates were mad enough to pass them, the scheme would perish in the ruin which it worked. They are the inexorable conditions of extending responsible government to British subjects beyond the British Isles without disrupting the Commonwealth. They are the true *articuli stantis aut cadentis Reipublicae*, real hinges on which the Commonwealth must turn and which cannot be broken without plunging it in hopeless confusion. The draftsman instructed to prepare the Bill will find, on consulting the departments and governments which his measure will affect, that he cannot lay down his pen until he has dealt with all these

changes. Then and then only will he have created the foundation upon which further changes in future years can be based, and the process of growth begin again which is vital to the continued existence of all constitutions.

A cut-and-dried scheme imposed by the inseparable connection of taxation and political responsibility.

Such is the minimum change by which the people of the Dominions can acquire any genuine control over those in charge of their foreign affairs. Really to effect that object, the passage, with their approval, of an Act such as that which has been described is the shortest possible step they can take, and it cannot be divided into any series of shorter or easier steps. The Dominions may begin to study their foreign affairs, and with that object in view they may appoint ministers resident in London to attend Imperial Conferences and Defence Committees. Through these Conferences and Committees, through the Press and in private interviews with Imperial ministers, they may offer their opinions on foreign affairs. The facilities for doing all these things may be developed and elaborated little by little, and, by improving the machinery of consultation, the people of the Dominions may learn that they really have foreign affairs and what those affairs are. They may also learn that they do not control them, and may recognize the mischief of leaving that control to others. Public opinion, in a word, must be enlightened, and can only be instructed and developed by a process of growth. That process has now been greatly accelerated by the events of the War, which have finally proved the vital interest which all these peoples have in the conduct of foreign affairs. But the actual change from a dependence, however carefully dis-

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guised and sugared, to responsible government cannot be effected except by a definite and conscious step involving the formulation of a definite scheme. And the reason is obvious. The people of the Dominions can learn to offer advice on their foreign affairs with an ever-increasing freedom, but they can never command nor begin to command the ministers in charge of them until they are committed irrevocably to meeting the cost of the policy they adopt. A democracy can never be responsible for anything until it is responsible for paying the cost of it. As Edward I. realized, the final efficacy of the vote consists in its efficacy in binding the constituencies on whose behalf the votes are cast to pay the taxes, without which effect cannot be given to the vote. Representation cannot exist without a power of taxation by the body in which the representative sits. The people of the Dominions have such bodies in their parliaments, and can give them control of the issues of peace and war by a stroke of the pen. But that stroke severs them from the British Commonwealth, destroys their status as British citizens, and establishes irrevocably their independence. The only other alternative is to place their foreign affairs in the charge of a parliament responsible to the Commonwealth as a whole, and in doing that they must render themselves liable to pay the taxes it votes as well as those voted by the parliament of their own Dominion. A parliament responsible for foreign affairs to all the Dominions alike cannot be established at all until that is done, and it passes the wit of man to conceive how it could be effected by any gradual process of growth without a scheme cut and dried

in a legislative Act. Public opinion may grow and, indeed, must do so. It cannot be changed by any process other than growth; but when changed, it cannot pronounce itself until the draft of such an Act is prepared and in front of the people themselves.

How the necessary draft can be framed.

In theory the thing is obvious, and in practice it is proved by the experience of every attempt to adjust the relations of Anglo-Saxon communities, with the partial and ominous exception of Ireland. And that experience (again with the instructive exception of Ireland) points to the method by which such a scheme must be framed and brought before the people with whom its final acceptance lies. In 1706 English and Scottish Commissions met and framed a measure, by refusing or accepting which the English and Scottish Parliaments might decide whether Englishmen and Scots were to control their foreign affairs together or apart. In the case of Ireland, a Bill was framed by the British Ministry and carried through the Irish Parliament by the expedient of corruption, which had always been used to carry contentious measures in that body. In America the attempt was made to solve the problem by a gradual development of the confederation, and failed utterly. No solution was in sight till in 1787 the states appointed delegates who met at Philadelphia, framed a constitution, and submitted it for acceptance or refusal by the people of each state. In the case of Canada, delegates from all the provinces met at Quebec in October 1864 and framed a series of resolutions, which were then submitted for approval to each of their legislatures. When adopted by those of

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Upper and Lower Canada in 1865, and in 1866 by Nova Scotia and New Brunswick (in the last case after a general election on the question), the resolutions were then embodied in a Bill, to which legal effect was given in 1867 by an Act of the Imperial Parliament. It was not till 1873 that Prince Edward Island elected to come under the Act. In Australia a series of Conventions produced a series of drafts, the last Convention completing its work in 1898. The scheme was then submitted by the parliaments of each colony in the form of a carefully drafted Bill to the electors themselves. And just because the scheme was cut and dried to the last detail, the people of Australia were able to adopt it knowing exactly what it was they adopted. In South Africa the same procedure was followed so far as Natal was concerned. In the other colonies the scheme for union was accepted by each parliament without a referendum or general election. But the principle was the same in every case. A popular decision, whether given indirectly through parliaments or directly by general election or referendum, was impossible until a Convention had sat and had framed a scheme upon which public opinion could register a decision.

The Convention a procedure necessary for the expression of public opinion.

The process by which public opinion is brought into existence, rendered articulate, and enabled to control the action of government, is a question of procedure, that is to say, of method. Constitutional writers have recognized this, and have lavished their attention upon the parliamentary procedure whereby ministers are rendered amenable to popular control. But they have failed to realize that when

two or more different electorates are called upon to revise the relations of their several governments to each other, a different procedure must then be called into play if the issue is to be settled by public opinion instead of by some form of political conjuring. Where a political decision involves one electorate only, it can be agitated for until it becomes an issue at a general election; and whenever a clear majority is elected in favour of a decision in this way or that, the government shapes a measure and carries it into law. But when two or more parliaments and electorates are involved the case is otherwise. The question cannot be decided either by parliaments or by electorates until each parliament or electorate has before it a proposition in identical terms which, when carried into law by each, will have the effect of a definite decision. A necessary preliminary, therefore, of all decisions which require the assent of two or more electorates is an agreement upon one identical form in which the question is to be put to all the parliaments or electorates concerned. The question must be reduced to the form of a document capable of submission to each parliament or electorate, but no such document can exist until their representatives have first met to draft it. That is the whole meaning of a Convention. It is not an ingenious device invented by the fertile brains of Scots and Englishmen in 1706, or of Americans eighty years later, and thereafter imitated by Canadians, Australians, and South Africans. The holding of a Convention is the procedure dictated by the necessities of the case. A parliament is not an ingenious device, but the necessary condition of

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representative government. But wherever two or more parliaments are called upon to revise their mutual relations, a Convention to formulate one scheme capable of adoption by all is no less essential to the principle of government by public opinion. Any attempt to settle such questions without first holding a Convention means that politicians are manœuvring either to avoid a settlement or to make one behind the backs of the electorates.

Conditions of a free choice.

Hitherto the people of the Dominions have left the conduct of their foreign affairs to a government responsible only to the electorate of the British Isles. To assume that responsibility on their own shoulders involves a change of the most positive kind in their mutual relations. They may choose to assume a separate responsibility, or they may choose to share the responsibility which at present rests on the British electorate. But a free choice on the part of the individual, be he Member of Parliament or voter, is impossible until both alternatives are before him. The real danger is that, if the question be not faced in time, the choice may be forced upon him by events, and he may decide without realizing the gravity of the issues involved. It is open at any moment for Dominion electors through their representatives to instruct their own governments to assume responsibility for the issues of peace and war, because the thing can be done by a stroke of the pen—by a simple notification to all foreign capitals as well as to London. But it is not possible for them to instruct their governments to adopt the only other alternative—to give them their due share of control over the existing Imperial Government in matters of peace

and war. The thing cannot be done by a stroke of the pen. It involves a legislative Act which must be authorized by the British as well as by the Dominion electorate. The Dominion electorate must know what it is doing, and so also the British electorate must know what it is asked to do. Neither can have that knowledge until the proposal has been formulated with all the necessary detail in a document capable of ratification by both. It is only when that is done that both alternatives are before the Dominion electorate, and not till it is done has the electorate been put by its ministers in a position to make a free choice for themselves. If they reject such a scheme, whether by a general election or by a referendum, it is open to them to return members pledged to charge their government to assume a separate control of foreign affairs. But until such a scheme has been laid before them and they have been given the opportunity of accepting or rejecting it, they are in the position of men who are allowed to vote in favour of one alternative only but prevented from recording their decision on the other.

The principle of government by public opinion at stake.

It will thus be seen that the question of preparing a scheme is one which goes to the root of popular institutions and raises the whole principle of government by public opinion. Those who condemn the framing of a plan are, in effect, opposing the right of the electorates to choose for themselves. The Convention, by meeting, by framing a plan of government, and by submitting it to the electorates, is deciding nothing. It is simply making it possible for the people at large to decide the question for themselves if they

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will. It is the necessary procedure which must be adopted by those who believe in their hearts, as well as with their lips, that great public issues should be settled so far as possible, not by the blind course of events nor by the management of political wire-pullers, but by an informed and responsible public opinion, which in registering its decision knows what it does and why it does it.

A conjunction of parties as well as of governments needed to give effect to that principle.

To know and fulfil their duty to their state men must first be sure what is the state to which that duty is owed. But they cannot define their own status as citizens of the Commonwealth to which they belong except by taking on their shoulders the burden of its government from first to last. If Canada, Australia, New Zealand, and South Africa are the communities to which their final allegiance is due, then their peoples must severally determine the issues of peace and war for themselves. But if the state for which they desire to live and to die is that greater Commonwealth for which so many are now devoting their lives, then also must they join with each other to control its foreign affairs. Thus only can they signify their final choice, and it is in truth the most momentous that any people can be called upon to make. But it cannot be taken merely through the normal machinery of responsible government. Parliaments are necessary means to self-government, and so also are the parties without which popular assemblies lapse into chaos. They provide the mechanism through which a state can be governed by citizens who are clear in their own minds as to what that state is, and what the duty which it lays upon them. But where such questions have been left

in doubt they cannot be settled by the free choice of the peoples concerned without transcending the machinery of parliaments and parties. Some expedient of the nature of a Convention is necessary to frame a scheme upon which the electorates can register a decision; and to bring into existence a Convention capable of drafting such a scheme an agreement is required not merely between governments but also between parties. For governments consist only of leaders whose parties happen to have won the last election. The national unions of the American Commonwealth and of Canada, Australia, and South Africa, could scarcely have been settled on lines drawn merely by those parties which chanced to be in office at one particular time. A question so much the gravest that any people can be called upon to face can only be dealt with on its merits in an atmosphere cleared of mutual distrust. Before it is submitted to parliaments or peoples for decision the terms of reference must have been settled, not merely by governments with each other, but also by those governments with their oppositions. Now, clearly, this cannot be done merely through the agency of an Imperial Conference which claims to be no more than 'a conference 'of governments with governments.' A task so delicate can only be entrusted to a Convention in which the peoples of all these communities in all their different sections are represented. The first step must, of course, be taken by the existing Imperial Conference, which must call to its counsels spokesmen of all the parties in all these countries, or else advise the creation of a special body for the purpose. Such an operation is by no means easy to

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effect, and whether it fails or succeeds will depend upon how far rival leaders can rise above issues no longer relevant to a crisis like this. Those who can do so will find themselves, with the better part of their followers, standing together on common ground. The example and inspiration of one or two may easily determine the conduct of all the rest, and the leader of an opposition can sometimes do more to decide the turn of events at the outset than the head of a government. It was so when the co-operation of a great Liberal with his rival enabled Canadians to deal with the question of their national union, undistracted by minor and irrelevant issues. It was so when inveterate opponents, who had striven not merely in parliaments but on many a fiercely contested field, rendered it possible for two hostile races to make South Africa the home of a genuine nation. And so it may be in the sequel of this war. In all these Dominions, so remote from each other, so diverse in character, and yet so closely united by a freedom wide and single as the ocean which connects them, are leaders whose words can reach to all their coasts. The attack, by which that freedom is menaced, was fostered and invited by the weakness of the Commonwealth, a weakness caused by failure to mould its growth in accordance with the necessary principle of its being. Self-government has not been applied to the first and greatest of public interests. The burden of controlling the issues of national life and death has not been placed, where alone it can rest with safety, on every citizen of the Commonwealth able to bear it. Its own internal disorganization is a primary cause of this war, and

the chasm in its foundation must now be filled with the flower of its youth. Yet for all this failure it remains the hope of freedom, the essential system through which men can acquire and practise the art of governing themselves; and therefore it is that thousands have risen from every part of it to oppose with their own bodies the blows which are battering its walls. Never in the history of free states have men offered themselves so freely for the public cause. For many of them danger was easier to face than the discipline of military life, but they have made themselves subject to its rule that others might continue to govern themselves. There was little to draw them in the hope of personal distinction, which is hard to come by where the company of valour is so vast and every day calls for deeds daring as any for which men have been noted in lesser times. From the uttermost parts of the Commonwealth they have come to honour their uncovenanted bond, obedient to one uncalculating purpose; and the fields of their final achievement, where they lie in a fellowship too close and a peace too deep to be broken, are the image and epitome of the cause for which they fell. They have not feared to enter the darkness, because they walk by a light that is in themselves, which burns and shall burn unquenched wherever their ashes lie mingled by land or sea. From that fervent dust the breath of one man might kindle a flame whereby these nations might find and follow the print of their feet. So might a new birth of freedom be raised from their seed. So might these severed threads be caught up and woven into the stuff of other men's lives.

APPENDIX TO CHAPTER XXI

A *rigid* constitution must not be confounded with a *written* constitution. The Australian and South African constitutions are both written; but the one is rigid and the other elastic. The Australian Constitution cannot be changed by the *Commonwealth* parliament, but only by a referendum taken under certain conditions, *i.e.* by a special organ of government to be called into action for that purpose and for no other. It follows that the law courts will invalidate an Act of the *Commonwealth* parliament which purports to alter the constitution. The South African Constitution can be changed by the Union parliament, and the validity of its acts cannot be questioned in courts of law. It is needful to say this, because in several criticisms of the foregoing chapter it has been assumed that an Imperial Constitution, if written, must also be rigid. The South African Constitution disproves that assumption. It is not within the power of lawgivers to give the Dominions representation in the Imperial Government without framing and passing a law which will, in fact, be a written constitution. To decide whether that law can afterwards be changed, either by the Imperial Parliament itself, or only by some special machinery distinct from that Parliament, is entirely within their power. The arguments in favour of either course will be fully discussed in the last volume of *The Commonwealth of Nations*.

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